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t. 6645

W. B. Clark, Jr.
L. J. Brown

A C T S
AND
R E S O L V E S

PASSED BY THE

General Court of Massachusetts,

IN THE YEAR

1 8 7 2,

TOGETHER WITH

**THE CONSTITUTION, THE MESSAGES OF THE GOVERNOR,
LIST OF THE CIVIL GOVERNMENT, CHANGES
OF NAMES OF PERSONS,
Etc., Etc., Etc.**

**PUBLISHED BY THE
SECRETARY OF THE COMMONWEALTH.**

B O S T O N :
WRIGHT & POTTER, STATE PRINTERS,
79 MILK STREET (CORNER OF FEDERAL).
1872.

A CONSTITUTION
OR
FORM OF GOVERNMENT
FOR THE
Commonwealth of Massachusetts.

P R E A M B L E .

The end of the institution, maintenance and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights, and the blessings of life : and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

Objects of government.

The body politic is formed by a voluntary association of individuals : it is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them ; that every man may, at all times, find his security in them.

Body politic,
how formed.
Its nature.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of his providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit and solemn compact with each other ; and of forming a new

CONSTITUTION.

constitution of civil government for ourselves and posterity; and devoutly imploring his direction in so interesting a design, do agree upon, ordain and establish the following *Declaration of Rights and Frame of Government*, as the CONSTITUTION of the COMMONWEALTH OF MASSACHUSETTS.

PART THE FIRST.

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Equality and
natural rights
of all men.

ART. I. All men are born free and equal, and have certain natural, essential and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Right and duty
of public reli-
gious worship.

II. It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great Creator and Preserver of the universe. And no subject shall be hurt, molested or restrained, in his person, liberty or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

Protection
therein.

Amendment,
Art. XI., sub-
stituted for
this.

Legislature em-
powered to
compel pro-
vision for public
worship;

[III.* As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a community, but by the institution of the public worship of God, and of public instructions in piety, religion and morality; Therefore, to promote their happiness, and to secure the good order and preservation of their Government, the people of this Commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require the several towns, parishes, precincts, and other bodies politic, or religious societies, to make suitable provision, at their own expense, for the institution of the public worship of God, and for the support and maintenance of public Protestant teachers of piety, religion and morality, in all cases where such provision shall not be made voluntarily.

* NOTE.—Articles of the original constitution and articles of amendment thereto which have become inoperative, by reason of subsequent amendments, are printed in smaller type and enclosed in brackets: obsolete portions of articles, in some instances confined to a sentence or single word, are covered by brackets, but allowed to stand in type uniform with the matter still in force.

And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend

and to enjoin attendance thereon.

Provided, notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys, paid by the subject, to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid toward the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, &c.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.]

All denominations equally protected. Subordination of one sect to another prohibited.

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves as a free, sovereign and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, &c.

VI. No man, nor corporation or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver or judge, is absurd and unnatural.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

VII. Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor or private interest of any one man, family or class of men: Therefore the people alone have an incontestable, unalienable and indefeasible right to institute government; and to reform, alter or totally change the same, when their protection, safety, prosperity and happiness require it.

Objects of government; right of people to institute and change it.

VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods and in such manner as they shall establish

Right of people to secure rotation in office.

by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office.

IX. All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation founded on consent.

Private property not to be taken for public uses without, &c.

Remedies by recourse to the law, to be free, complete and prompt.

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay, conformably to the laws.

Prosecutions regulated.

XII. No subject shall be held to answer for any crimes or offence until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself: and every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled or deprived of his property, immunities or privileges, put out of the protection of the law, exiled or deprived of his life, liberty or estate, but by the judgment of his peers, or the law of the land.

Right to trial by jury, in criminal cases, except, &c.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty and property of the citizen.

Crimes to be proved in the vicinity.

XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest or seizure: and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.

Right of search and seizure regulated.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Right to trial by jury sacred, except, &c.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this Commonwealth.

Liberty of the press.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

Moral qualifications for office.

Moral obligations of lawgivers and magistrates.

XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions or

Right of people to instruct representatives and petition legislature.

Bill may be passed by two-thirds of each house, notwithstanding.

See amendments, Art. I.

General court may constitute judicatories, courts of record, &c.

Courts, &c., may administer oaths.

General court may enact laws, &c.,

not repugnant to the constitution;

objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve; but if, after such reconsideration, two-thirds of the said senate or house of representatives shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the said bill or resolve, shall be entered upon the public records of the Commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal or mixed; and for the awarding and making out of execution thereupon: to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain and establish all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without, so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name

and settle annually, or provide by fixed laws, for the naming and settling, all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers, and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths, or affirmations as shall be respectively administered unto them for the execution of their several offices and places so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this Commonwealth, for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

may provide for the election or appointment of officers;

prescribe their duties;

impose taxes;

duties and excises;

to be disposed of for defence, protection, &c.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

Valuation of estates once in ten years, at least, while, &c.

CHAPTER I.

SECTION II.

Senate.

[ART. I. There shall be annually elected, by the freeholders and other inhabitants of this Commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators, for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the Commonwealth may, from time to time, be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known, to the inhabitants of the Commonwealth, the limits of each

Senate, number of, and by whom elected.

See amendments, Arts. XIII., XVI. and XXII.

district, and the number of councillors and senators to be chosen therein : provided, that the number of such districts shall never be less than thirteen ; and that no district be so large as to entitle the same to choose more than six senators.

Counties to be districts, until, &c.
See amendments, Arts. XIII. and XXII.

And the several counties in this Commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes county and Nantucket shall form one district for that purpose,) and shall elect the following number for councillors and senators, viz. :—

Suffolk, six ; Essex, six ; Middlesex, five ; Hampshire, four ; Plymouth, three ; Barnstable, one ; Bristol, three ; York, two ; Dukes County and Nantucket, one ; Worcester, five ; Cumberland, one ; Lincoln, one ; Berkshire, two.]

Manner and time of choosing senators and councillors.

See amendments, Arts. II., X., XIV. and XV.

• See amendments, Arts. III., XX., XXIII. and XXVI.

Word “inhabitant” defined.

Selectmen to preside at town meetings.

Return of votes.

See amendments, Art. II.

Amendments, Art. X.

II. The senate shall be the first branch of the legislature ; [and the senators shall be chosen in the following manner, viz. : there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and councillors ; and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate, within the Commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant.] And to remove all doubts concerning the meaning of the word “inhabitant,” in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office or place within this State, in that town, district or plantation where he dwelleth or hath his home.

The selectmen of the several towns shall preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name ; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the Commonwealth, for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before [the last Wednesday in May, annually ; or it shall be delivered into

the secretary's office seventeen days at least before the said last Wednesday in May; and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.]

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators, in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held, annually, [on the same first Monday in April,] at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government, by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators, in the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Inhabitants of unincorporated plantations, who pay State taxes, may vote.

Plantation meetings. See amendments, Art. X.

Assessors to notify, &c

III. And that there may be a due convention of senators [on the last Wednesday in May,] annually, the governor, with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day, he shall issue his summons to such persons as shall appear to be chosen by a majority of voters, to attend on that day, and take their seats accordingly; [provided, nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.]

Governor and council to examine and count votes, and issue summonses.

See amendments, Art. X.

IV. The senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the constitution; and shall, on the said [last Wednesday in May,] annually, determine and declare who are elected by each district to be senators, [by a majority of votes: and in case there shall not appear to be the full number of senators returned, elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner,

Senate to be final judge of elections, &c., of its own members.

See amendments, Arts. X., XIV. and XXIV.

Vacancies, how filled.

viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these, shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the State or otherwise, shall be supplied as soon as may be after such vacancies shall happen.]

Qualifications of a senator. See amendments, Arts. XIII. and XXII.

V. Provided, nevertheless, that no person shall be capable of being elected a senator, [who is not seized in his own right of a freehold, within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate of the value of six hundred pounds at least, or of both to the amount of the same sum, and] who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

Senate not to adjourn more than two days.

VI. The senate shall have power to adjourn themselves; provided such adjournments do not exceed two days at a time.

Shall choose its officers and establish its rules.

VII. The senate shall choose its own president, appoint its own officers, and determine its own rules of proceedings.

Shall try all impeachments.

VIII. The senate shall be a court, with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices: but, previous to the trial of every impeachment, the members of the senate shall, respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office, and disqualification to hold or enjoy any place of honor, trust or profit, under this Commonwealth: but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment, according to the laws of the land.

Oath.

Limitation of sentence.

Quorum.

IX. Not less than sixteen members of the senate shall constitute a quorum for doing business.

CHAPTER I.

SECTION III.

House of Representatives.

ART. I. There shall be, in the legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

Representation of the people.

[II. And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty ratable polls, may elect one representative; every corporate town, containing three hundred and seventy-five ratable polls, may elect two representatives; every corporate town, containing six hundred ratable polls, may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative.

Representatives, by whom chosen.

See amendments, Arts. XII., XIII. and XXI.

Provided, nevertheless, that each town now incorporated, not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.]

Proviso as to towns having less than 150 ratable polls.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Towns liable to fine in case, &c.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

Expense of travelling to and from the general court, how paid.

III. Every member of the house of representatives shall be chosen by written votes; [and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seized in his own right of a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.]

Qualifications of a representative. See amendments, Arts. XIII., XIV. and XXI.

[IV. Every male person being twenty-one years of age, and resident in any particular town in this Commonwealth, for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town.]

Qualifications of a voter.

See amendments, Arts. III., XX. and XXIII.

Representatives, when chosen. See amendments, Arts. X. and XV. House alone can impeach.

House to originate all money bills.

Not to adjourn more than two days at a time.

Quorum. See amendments, Art. XXI.

House to judge of returns, &c., of its own members; to choose its officers and establish its rules, &c. May punish for certain offences.

Privileges of members.

Senate.

Governor and council may punish.

General limitation.

Trial may be by committee, or otherwise.

[V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.]

VI. The house of representatives shall be the grand inquest of this Commonwealth; and all impeachments made by them shall be heard and tried by the senate.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

[IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.]

X. The house of representatives shall be the judge of the returns, elections and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker, appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in its presence; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for anything said or done in the house; or who shall assault any of them therefor; or who shall assault or arrest any witness, or other person, ordered to attend the house, in his way in going or returning; or who shall rescue any person arrested by the order of the house.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending, the general assembly.

XI. The senate shall have the same powers in the like cases; and the governor and council shall have the same authority to punish in like cases: provided, that no imprisonment, on the warrant or order of the governor, council, senate or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may, respectively, think best.

CHAPTER II.
EXECUTIVE POWER.

SECTION I.

Governor.

ART. I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be—HIS EXCEL-
LENCY.

Governor.

His title.

II. The governor shall be chosen annually; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceding; and unless he shall, at the same time, be seized, in his own right, of a freehold, within the Commonwealth, of the value of one thousand pounds; [and unless he shall declare himself to be of the Christian religion.]

To be chosen annually.
Qualifications.

See amendments, Art. VII.

[III. Those persons who shall be qualified to vote for senators and representatives, within the several towns of this Commonwealth, shall, at a meeting to be called for that purpose, on the first Monday of April, annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the last Wednesday in May; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said last Wednesday in May; or the selectmen may cause returns of the same to be made, to the office of the secretary of the Commonwealth, seventeen days at least before the said day; and the secretary shall lay the same before the senate and the house of representatives, on the last Wednesday in May, to be by them examined; and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published; but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons, who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which, the senate shall proceed, by ballot, to elect one who shall be declared governor.]

By whom chosen, if he have a majority of votes.

See amendments, Arts. II., X., XIV. and XV.

How chosen, when no person has a majority.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this Commonwealth for the time being; and the governor, with the said councillors, or five of them, at least, shall, and may, from time to time, hold and keep a

Power of governor, and of governor and council.

council, for the ordering and directing the affairs of the Commonwealth, agreeably to the constitution and the laws of the land.

May adjourn or prorogue the general court upon request, and convene the same.

See amendments, Art. X.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same at any time the two houses shall desire ; [and to dissolve the same on the day next preceding the last Wednesday in May ; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess ;] and to call it together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same ; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

See amendments, Art. X.

[And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.]

Governor and council may adjourn the general court in cases, &c., but not exceeding ninety days.

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency or time of adjournment or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor to be commander-in-chief.

VII. The governor of this Commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land ; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy ; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture the inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprises and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment or annoyance of this Commonwealth ; and to use and exercise, over the army and navy, and over the militia in actual service, the law martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as

occasion shall necessarily require ; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade or attempt the invading, conquering or annoying this Commonwealth ; and that the governor be intrusted with all these and other powers incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court ; except so far as may be necessary to march or transport them by land or water, for the defence of such part of the State to which they cannot otherwise conveniently have access.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and with the advice of council ; but no charter or pardon, granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

IX. All judicial officers, [the attorney-general, the solicitor-general, all sheriffs,] coroners [and registers of probate,] shall be nominated and appointed by the governor, by and with the advice and consent of the council ; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, of [twenty-one years of age and upwards ;] the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments ; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades ; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

Limitation.

Governor and council may pardon offences, except, &c.
But not before conviction.

All judicial officers, &c., how nominated and appointed.
See amendments, Arts. XIV, XVII, and XIX.

Militia officers, how elected.

See amendments, Art. V.

How commissioned.

Elections of officers.

Major-generals,
how appointed
and commis-
sioned.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other ; and be commissioned by the governor.

Vacancies, how
filled, in case,
&c.

And if the electors of brigadiers, field officers, captains or subalterns shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers duly
commissioned,
how removed.
See amend-
ments, Art. IV.

[And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address of both houses to the governor, or by fair trial in court-martial, pursuant to the laws of the Commonwealth for the time being.]

Adjutants, &c.,
how appointed.

The commanding officers of regiments shall appoint their adjutants and quartermasters ; the brigadiers their brigade-majors ; and the major-generals their aids ; and the governor shall appoint the adjutant-general.

Adjutant-gen-
eral.

Army officers,
how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint,—as also all officers of forts and garrisons.

Organization of
militia.

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law.

Money, how
drawn from the
treasury, ex-
cept, &c.

XI. No moneys shall be issued out of the treasury of this Commonwealth and disposed of, (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon,) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the Commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court.

Public boards
and certain offi-
cers to make
quarterly re-
turns.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care, respectively ; distinguishing the quantity, number, quality and kind of each, as particularly as may be ; together with

the condition of such forts and garrisons ; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent.

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, dispatches and intelligences of a public nature, which shall be directed to them respectively.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support—that he should, in all cases, act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object to his private concerns—and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate—it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salary of governor.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

Salaries of justices of supreme judicial court.

And if it shall be found that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

Salaries to be enlarged, if insufficient.

CHAPTER II.

SECTION II.

Lieutenant-Governor.

ART. I. There shall be annually elected a lieutenant-governor of the Commonwealth of Massachusetts, whose title shall be—HIS HONOR ; and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the governor ; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner ; [and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate

Lieutenant-governor; his title and qualifications.

See amendments, Arts. III., VI., X. and XV.

How chosen.

and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.]

President of council.

Lieutenant-governor a member of, except, &c.

Lieutenant-governor to be acting governor, in case, &c.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which, by this constitution, the governor is vested with, when personally present.

CHAPTER II.

SECTION III.

Council, and the Manner of settling Elections by the Legislature.

Council.

See amendments, Art. XVI.

ART. I. There shall be a council, for advising the governor in the executive part of the government, to consist of [nine] persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

Number; from whom, and how chosen.

See amendments, Arts. X., XIII. and XVI.

Senators becoming councillors, seats vacated.
Rank of councillors.

[II. Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left, shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.]

III. The councillors, in the civil arrangements of the Commonwealth, shall have rank next after the lieutenant-governor.

No district to have more than two.

[IV. Not more than two councillors shall be chosen out of any one district in this Commonwealth.]

V. The resolutions and advice of the council shall be recorded in a register and signed by the members present; and this record may be called for, at any time, by either house of the legislature; and any member of the council may insert his opinion, contrary to the resolution of the majority.

Register of council.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority, to do and execute, all and every such acts, matters and things, as the governor or the lieutenant-governor might, or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Council to exercise the power of governor, in case, &c.

[VII. And whereas the elections appointed to be made by this constitution on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.]

Elections may be adjourned until, &c.

Order thereof.

Amendments, Arts. XVI. and XXV.

CHAPTER II.

SECTION IV.

Secretary, Treasurer, Commissary, &c.

ART. I. [The secretary, treasurer and receiver-general, and the commissary-general, notaries public and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room.] And, that the citizens of this Commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

Secretary, &c.; by whom and how chosen. See amendments, Arts. IV. and XVII.

Treasurer ineligible for more than five successive years.

II. The records of the Commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable; and he shall attend the governor and council, the senate and house of representatives in person, or by his deputies, as they shall respectively require.

Secretary to keep records; to attend the governor and council, &c.

CHAPTER III.

JUDICIARY POWER.

Tenure of all
commission
officers to be
expressed.
Judicial officers
to hold office
during good be-
havior, except,
&c.
May be remov-
ed on address.

Justices of su-
preme judicial
court to give
opinions when
required.

Justices of the
peace; tenure
of their office.

Provisions for
holding probate
courts.

Causes of mar-
riage and di-
vorce, how de-
termined.

ART. I. The tenure that all commission officers shall by law have in their offices shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the Commonwealth.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

[V. All causes of marriage, divorce and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council until the legislature shall, by law, make other provision.]

CHAPTER IV.

DELEGATES TO CONGRESS.

Delegates to
congress.

[The delegates of this Commonwealth to the congress of the United States shall, some time in the month of June, annually, be elected by the joint ballot of the senate and house of representatives assembled together in one room; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned in the same manner in their stead.]

CHAPTER V.

THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF
LITERATURE, &C.

SECTION I.

The University.

ART. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of God, been initiated in those arts and sciences which qualified them for public employments, both in church and state; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of God, the advantage of the Christian religion, and the great benefit of this and the other United States of America,—it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers and servants, respectively, forever.

Harvard College.

Powers, privileges, &c., of the president and fellows, confirmed.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college, by some other description, under several charters successively; it is declared, that all the said gifts, grants, devises, legacies and conveyances, are hereby forever confirmed unto the president and fellows of Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

Property devised.

Gifts, grants, and conveyances confirmed.

III. And whereas by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of

Board of overseers established by general court of 1642.

Overseers established by constitution.

Power of alteration reserved to the legislature.

Harvard College; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council and senate of this Commonwealth, are, and shall be deemed, their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College: provided, that nothing herein shall be construed to prevent the legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

CHAPTER V.

SECTION II.

The Encouragement of Literature, &c.

Duty of legislatures and magistrates in all future periods. See amendments, Art. XVIII.

Wisdom and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools in the towns; to encourage private societies, and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments, among the people.

CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, &c.

ART. I. [Any person chosen governor, lieutenant-governor, councillor, senator or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

Declaration of executive and legislative officers.

"I, A. B., do declare that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected."

See amendments, Art. VII.

And the governor, lieutenant-governor and councillors, shall make and subscribe the said declaration in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards, before the governor and council for the time being.]

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.:

Declaration and oaths of all officers.

["I, A. B., do truly and sincerely acknowledge, profess, testify and declare that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection and obedience to the king, queen or government of Great Britain (as the case may be), and every other foreign power whatsoever; and that no foreign prince, person, prelate, state or potentate, hath, or ought to have, any jurisdiction, superiority, pre-eminence, authority, dispensing or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth; except the authority and power which is or may be vested by their constituents in the congress of the United States: and I do further testify and declare, that no man, or body of men, hath or can have, any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion or secret reservation whatsoever. So help me, GOD."]

See amendments, Art. VI.

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as , according to the

best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of the Commonwealth. So help me, God."

See amendments, Art. VI.

[Provided, always, that when any person, chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words, "I do swear," "and abjure," "oath or," "and abjuration," in the first oath; and in the second oath, the words "swear and," and in each of them the words, "So help me, God;" subjoining instead thereof, "This I do under the pains and penalties of perjury."]

Oaths and affirmations, how administered.

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for the time being; and by the residue of the officers aforesaid, before such persons, and in such manner, as from time to time shall be prescribed by the legislature.

Plurality of offices prohibited to governor, &c., except, &c.

See amendments, Art. VIII.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State, or government or power, whatever.

Same subject.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz.: judge of probate—sheriff—register of probate—or register of deeds; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the State at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Incompatible offices.

See amendments, Art. VIII.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—[solicitor-general]—treasurer or receiver-general—judge of probate—commissary-general—president, professor or instructor of Harvard College—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—[clerk of the inferior court of common pleas]—or officer of the customs, including in this

description naval officers—shall at the same time have a seat in the senate or house of representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives; and the place so vacated shall be filled up.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council; or any councillor shall accept of either of those offices or places.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this Commonwealth, who shall in the due course of law, have been convicted of bribery or corruption, in obtaining an election or appointment.

III. In all cases where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce; and it shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the Commonwealth affixed thereto.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable who is not a party, and be signed by the clerk of such court.

VI. All the laws, which have heretofore been adopted, used and approved, in the Province, Colony or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution.

VII. The privilege and benefit of the writ of habeas corpus shall be enjoyed in this Commonwealth; in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months.

Same subject.

Bribery, &c., operates disqualification.

Value of money ascertained. Property qualifications. See amendments, Art. XIII.

Provisions respecting commissions.

Provisions respecting writs.

Continuation of former laws, except, &c.

Benefit of habeas corpus secured, except, &c.

The enacting style.

VIII. The enacting style, in making and passing all acts, statutes and laws, shall be—"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same."

Officers of former government continued until, &c.

[IX. To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority, until the general court, and the supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers and authority.

Provision for revising constitution. Amendments, Art. IX.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Same subject.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention for the purpose aforesaid.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.]

Provision for preserving and publishing this constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

ARTICLES OF AMENDMENT.

ART. I. If any bill or resolve shall be objected to, and not approved by the governor ; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

Bill, &c., not approved within five days, not to become a law, if legislature adjourn in the meantime.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this Commonwealth, and to grant to the inhabitants thereof such powers, privileges and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings : provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants ; nor unless it be with the consent, and on the application, of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose ; and provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

General court empowered to charter cities.

Proviso.

ART. III. Every male citizen of twenty-one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators or representatives, and who shall have paid, by himself, or his parent, master or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth ; and also, every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives ; and no other person shall be entitled to vote in such elections.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. 11 Pick. 538. See amendments, Arts. XX., XXIII. and XXVI.

Notaries public,
how appointed
and removed.

ART. IV. Notaries public shall be appointed by the governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Vacancies in
the offices of
secretary and
treasurer, how
filled in case,
&c.
See amend-
ments, Art.
XVII.

[In case the office of secretary or treasurer of the Commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint, under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.]

Commissary-
general may be
appointed, in
case, &c.

Whenever the exigencies of the Commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed and commissioned, in such manner as the legislature may, by law, prescribe.

Militia officers,
how removed.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Who may vote
for captains
and subalterns.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under as those above the age of twenty-one years, shall have a right to vote.

Oath to be
taken by all of-
ficers.

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this Commonwealth, before he shall enter on the duties of his office, to wit:—

Proviso: Qua-
ker may affirm.

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, God.”

Provided, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word “swear,” and inserting, instead thereof, the word “affirm,” and omitting the words, “So help me, God,” and subjoining, instead thereof, the words “This I do under the pains and penalties of perjury.”

Tests abolish-
ed.

ART. VII. No oath, declaration or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators or representatives, to qualify them to perform the duties of their respective offices.

ART. VIII. No judge of any court of this Commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor or councillor, or have a seat in the senate or house of representatives of this Commonwealth; and no judge of any court in this Commonwealth, (except the court of sessions,) nor the attorney-general, [solicitor-general, county-attorney,] clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; [and judges of the courts of common pleas shall hold no other office under the government of this Commonwealth, the office of justice of the peace and militia offices excepted.]

Incompatibility
of offices.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, and referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this Commonwealth.

Amendments
to constitution,
how made.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be

Commence-
ment of politi-
cal year,

and termina-
tion.

dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Meetings for the choice of governor, lieutenant-governor, &c., when to be held. May be adjourned. See amendments, Art. XV.

[The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.]

All the [other] provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May, as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

Article, when to go into operation.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious freedom established.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of God, and instructions in piety, religion and morality, promote the happiness and prosperity

of a people, and the security of a republican government; therefore the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society; and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law."

[ART. XII. In order to provide for a representation of the citizens of this Commonwealth, founded upon the principles of equality, a census of the ratable polls in each city, town and district of the Commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid: and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls, in addition to the first three hundred, one representative more.

Census of ratable polls to be taken in 1837, and decennially thereafter.

Representatives, how apportioned. See amendments, Arts. XIII. and XXI.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid.

Fractions, how represented.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district, to continue until the next decennial census of polls, for the election of a representative or representatives; and such districts shall have all the rights, in

Towns may unite into representative districts.

The governor and council to determine the number of representatives to which each town is entitled.

New apportionment to be made once in every ten years.

Inconsistent provisions annulled.

Census of inhabitants to be taken in 1840, and decennially thereafter, for basis of representation. See amendments, Art. XXII. Senatorial districts declared permanent. See amendments, Art. XXII.

House of representatives, how apportioned. See amendments, Art. XXI.

Small towns, how represented.

Towns may unite into representative districts.

Basis of representation, and ratio of increase.

regard to representation, which would belong to a town containing the same number of ratable polls.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives which each city, town and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town and representative district may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative; and the same shall be done once in ten years thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls shall determine the number of representatives which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.]

ART XIII. [A census of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

The several senatorial districts now existing, shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same, But, in all cases, at least one senator shall be assigned to each district.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants, may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the Commonwealth shall be settled.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such districts shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number, which shall entitle a town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided,

shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years.

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation or otherwise. No person shall be elected a councillor who has not been an inhabitant of this Commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the Commonwealth.]

Councillors to be chosen from the people at large. See amendments, Art. XVI. Qualifications of councillors.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Freehold as a qualification not required.

ART. XIV. In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Elections by the people to be by plurality of votes.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Time of annual election of governor and legislature.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor. The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafterwards, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide

Eight councillors to be chosen by the people.

Legislature to district State.

for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts, that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the Commonwealth for the term of five years immediately preceding his election. The day and manner of the election, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be after such vacancies shall have happened. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Eligibility defined.

Day and manner of election, &c.

Vacancies, how filled.

Organization of the government.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be

Election of secretary, treasurer, auditor and attorney-general by the people.

Vacancies, how filled.

chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room ; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like manner be filled by choice from the people at large ; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

To qualify within ten days, otherwise office to be deemed vacant.

Qualification requisite.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended ; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own school.

School moneys not to be applied for sectarian schools.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

Legislature to prescribe for the election of sheriffs, registers of probate, &c., by the people.

ART. XX. No person shall have the right to vote, or be eligible to office under the constitution of this Commonwealth, who shall not be able to read the constitution in the English language and write his name : *provided, however,* that the provisions of this amendment shall not apply to any

Reading constitution in English and writing, necessary qualifications of voters. proviso.

person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any persons who shall be sixty years of age or upwards at the time this amendment shall take effect.

Census of legal voters and of inhabitants, when taken, &c.

See Gen. Stat., chapter 20.

ART. XXI. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June, in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters; and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of representatives for the periods between the taking of the census.

House to consist of 240 members; representatives to be apportioned upon basis of legal voters.

The house of representatives shall consist of two hundred and forty members, which shall be apportioned by the legislature, at its first session after the return of each enumeration as aforesaid, to the several counties of the Commonwealth, equally, as nearly as may be, according to their relative numbers of legal voters, as ascertained by the next preceding special enumeration; and the town of Cohasset, in the county of Norfolk, shall, for this purpose, as well as in the formation of districts, as hereinafter provided, be considered a part of the county of Plymouth; and it shall be the duty of the secretary of the Commonwealth, to certify, as soon as may be after it is determined by the legislature, the number of representatives to which each county shall be entitled, to the board authorized to divide each county into representative districts. The mayor and aldermen of the city of Boston, the county commissioners of other counties than Suffolk, —or in lieu of the mayor and aldermen of the city of Boston, or of the county commissioners in each county other than Suffolk, such board of special commissioners in each county, to be elected by the people of the county, or of the towns therein, as may for that purpose be provided by law, shall, on the first Tuesday of August next after each assignment of representatives to each county, assemble at a shire town of their respective counties, and proceed as soon as may be, to divide the same into representative districts of contiguous territory, so as to apportion the representation assigned to each county equally, as nearly as may be, according to the relative number of legal voters in the several districts of

Secretary shall certify to officers authorized to divide counties.

Meeting for division to be first Tuesday in August.

Proceedings.

each county; and such districts shall be so formed that no town or ward of a city shall be divided therefor, nor shall any district be made which shall be entitled to elect more than three representatives. Every representative, for one year at least next preceding his election, shall have been an inhabitant of the district for which he is chosen, and shall cease to represent such district when he shall cease to be an inhabitant of the Commonwealth. The districts in each county shall be numbered by the board creating the same, and a description of each, with the numbers thereof and the number of legal voters therein, shall be returned by the board, to the secretary of the Commonwealth, the county treasurer of each county, and to the clerk of every town in each district, to be filed and kept in their respective offices. The manner of calling and conducting the meetings for the choice of representatives, and of ascertaining their election, shall be prescribed by law. Not less than one hundred members of the house of representatives shall constitute a quorum for doing business; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Qualifications of representatives.

Districts to be numbered, described and certified.

One hundred members a quorum.

ART. XXII. A census of the legal voters of each city and town, on the first day of May, shall be taken and returned into the office of the secretary of the Commonwealth, on or before the last day of June in the year one thousand eight hundred and fifty-seven; and a census of the inhabitants of each city and town, in the year one thousand eight hundred and sixty-five, and of every tenth year thereafter. In the census aforesaid, a special enumeration shall be made of the legal voters, and in each city said enumeration shall specify the number of such legal voters aforesaid, residing in each ward of such city. The enumeration aforesaid shall determine the apportionment of senators for the periods between the taking of the census. The senate shall consist of forty members. The general court shall, at its first session after each next preceding special enumeration, divide the Commonwealth into forty districts of adjacent territory, each district to contain, as nearly as may be, an equal number of legal voters, according to the enumeration aforesaid: *provided, however*, that no town or ward of a city shall be divided therefor; and such districts shall be formed, as nearly as may be, without uniting two counties, or parts of two or more counties, into one district. Each district shall elect one senator, who shall have been an inhabitant of this Commonwealth five years at least immediately preceding his

Census of voters and inhabitants to be taken.

Voters to be basis of apportionment of senators.

Senate to consist of 40 members. Senatorial districts, &c.

Proviso.

Qualifications of senators.

Sixteen members a quorum.

election, and at the time of his election shall be an inhabitant of the district for which he is chosen ; and he shall cease to represent such senatorial district when he shall cease to be an inhabitant of the Commonwealth. Not less than sixteen senators shall constitute a quorum for doing business ; but a less number may organize temporarily, adjourn from day to day, and compel the attendance of absent members.

Residence of two years required of naturalized citizen, to entitle to suffrage or make eligible to office. See amendment, Art. XXVI.

[ART. XXIII. No person of foreign birth shall be entitled to vote, or shall be eligible to office, unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth : provided, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof ; and, provided, further, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom.]

Vacancies in the senate.

ART. XXIV. Any vacancy in the senate shall be filled by election by the people of the unrepresented district, upon the order of a majority of the senators elected.

Vacancies in the council.

ART. XXV. In case of a vacancy in the council, from a failure of election, or other cause, the senate and house of representatives shall, by concurrent vote, choose some eligible person from the people of the district wherein such vacancy occurs, to fill that office. If such vacancy shall happen when the legislature is not in session, the governor, with the advice and consent of the council, may fill the same by appointment of some eligible person.

Twenty-third article of amendments annulled.

ART. XXVI. The twenty-third article of the articles of amendment of the constitution of this Commonwealth, which is as follows, to wit : " No person of foreign birth shall be entitled to vote, or shall be eligible to office unless he shall have resided within the jurisdiction of the United States for two years subsequent to his naturalization, and shall be otherwise qualified, according to the constitution and laws of this Commonwealth : *provided*, that this amendment shall not affect the rights which any person of foreign birth possessed at the time of the adoption thereof ; and *provided*, *further*, that it shall not affect the rights of any child of a citizen of the United States, born during the temporary absence of the parent therefrom," is hereby wholly annulled.

THE FRAMING AND POPULAR ADOPTION OF THE
CONSTITUTION.

The Constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the meantime the constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the Constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved* "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

ARTICLES OF AMENDMENT.

The first nine Articles of Amendment were submitted, by delegates in convention assembled, November 15, 1820, to the people, and by them approved and ratified April 9, 1821.

The tenth Article was adopted by the legislatures of the political years 1829-30, and 1830-31, respectively, and was approved and ratified by the people, May 11, 1831.

The eleventh Article was adopted by the legislatures of the political years 1832 and 1833, and was approved by the people, November 11, 1833.

The twelfth Article was adopted by the legislatures of the political years 1835 and 1836, and was approved by the people, the fourteenth day of November, 1836.

The thirteenth Article was adopted by the legislatures of the political years 1839 and 1840, and was approved by the people, the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth Articles were adopted by the legislatures of the political years 1854 and 1855, and ratified by the people, the twenty-third day of May, 1855.

The twentieth, twenty-first and twenty-second Articles were adopted by the legislatures of the political years 1856 and 1857, and ratified by the people on the first day of May, 1857.

The twenty-third Article was adopted by the legislatures of the political years 1858 and 1859, and ratified by the people on the ninth day of May, 1859.

The twenty-fourth and twenty-fifth Articles were adopted by the legislatures of the political years 1859 and 1860, and ratified by the people on the seventh day of May, 1860.

The twenty-sixth Article was adopted by the legislatures of the political years 1862 and 1863, and ratified by the people on the sixth day of April, 1863.

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General Statutes and Special Acts

OF

MASSACHUSETTS.

1872.

☞ The General Court of 1872 assembled on Wednesday, the third day of January. The oaths of office required by the Constitution to be administered to the Governor and Lieutenant-Governor elect, were taken and subscribed by His Excellency WILLIAM B. WASHBURN and His Honor JOSEPH TUCKER, on Friday, the fifth day of January, in the presence of the two Houses assembled in convention.

ACTS,

GENERAL AND SPECIAL.

AN ACT TO AUTHORIZE THE CAMBRIDGE GAS LIGHT COMPANY TO INCREASE ITS CAPITAL STOCK. *Chap. 1.*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows :

The Cambridge Gas Light Company may increase its capital stock to an amount not exceeding five hundred thousand dollars in addition to the amount heretofore authorized by law, at such times and in such sums as the stockholders may determine. \$500,000 additional capital stock.

Approved January 27, 1872.

AN ACT TO AMEND THE CHARTER OF THE OTIS COMPANY. *Chap. 2.*

Be it enacted, &c., as follows :

Chapter three of the acts of the year eighteen hundred and forty, being an act to incorporate the Otis Company, is hereby so amended that the said company may carry on the manufacture of cotton, woolen, silk and linen goods and machinery, in the towns of Ware and Palmer ; and hold real estate in Hampshire, Hampden, and Worcester counties, for said purposes, not exceeding the sum of eight hundred thousand dollars in all ; and increase its capital stock to a sum not exceeding twelve hundred thousand dollars in all. May manufacture cotton, woolen and other goods. Real estate.

Approved January 27, 1872.

AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT FOR THE PRESENT YEAR. *Chap. 3.*

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury, from the ordinary revenue, for the purposes specified, to meet expenses for the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-two, to wit:— Appropriations.

SUPREME JUDICIAL COURT.

Clerk.	For the salary of the clerk of the supreme judicial court for the Commonwealth, three thousand dollars.
Assistant clerk.	For the salary of the assistant-clerk of said court, one thousand five hundred dollars.
Reporter.	For the salary of the reporter of decisions of the supreme judicial court, three hundred dollars.
Expenses.	For the expenses of said court, a sum not exceeding two thousand five hundred dollars.

SUPERIOR COURT.

Chief justice.	For the salary of the chief justice of the superior court, four thousand five hundred dollars.
Associate justices.	For the salaries of the nine associate justices of said court, thirty-seven thousand eight hundred dollars.

COURTS OF PROBATE AND INSOLVENCY.

Judge for Suffolk.	For the salary of the judge of probate and insolvency for the county of Suffolk, four thousand dollars.
Middlesex.	For the salary of the judge of probate and insolvency for the county of Middlesex, two thousand five hundred dollars.
Worcester.	For the salary of the judge of probate and insolvency for the county of Worcester, two thousand five hundred dollars.
Essex.	For the salary of the judge of probate and insolvency for the county of Essex, two thousand five hundred dollars.
Norfolk.	For the salary of the judge of probate and insolvency for the county of Norfolk, two thousand dollars.
Bristol.	For the salary of the judge of probate and insolvency for the county of Bristol, one thousand five hundred dollars.
Plymouth.	For the salary of the judge of probate and insolvency for the county of Plymouth, one thousand three hundred dollars.
Berkshire.	For the salary of the judge of probate and insolvency for the county of Berkshire, one thousand two hundred dollars.
Hampden.	For the salary of the judge of probate and insolvency for the county of Hampden, one thousand three hundred dollars.
Hampshire.	For the salary of the judge of probate and insolvency for the county of Hampshire, nine hundred dollars.
Franklin.	For the salary of the judge of probate and insolvency for the county of Franklin, nine hundred dollars.
Barnstable.	For the salary of the judge of probate and insolvency for the county of Barnstable, nine hundred dollars.
Nantucket.	For the salary of the judge of probate and insolvency for the county of Nantucket, five hundred dollars.
Dukes County.	For the salary of the judge of probate and insolvency for the county of Dukes county, five hundred dollars.

For the salary of the register of probate and insolvency Register for Suffolk.
for the county of Suffolk, three thousand dollars.

For the salary of the register of probate and insolvency Middlesex.
for the county of Middlesex, two thousand dollars.

For the salary of the register of probate and insolvency Worcester.
for the county of Worcester, two thousand dollars.

For the salary of the register of probate and insolvency Essex.
for the county of Essex, two thousand dollars.

For the salary of the register of probate and insolvency Norfolk.
for the county of Norfolk, one thousand five hundred dollars.

For the salary of the register of probate and insolvency Bristol.
for the county of Bristol, one thousand three hundred dol-
lars.

For the salary of the register of probate and insolvency Plymouth.
for the county of Plymouth, one thousand two hundred dol-
lars.

For the salary of the register of probate and insolvency Hampden.
for the county of Hampden, one thousand two hundred dol-
lars.

For the salary of the register of probate and insolvency Berkshire.
for the county of Berkshire, one thousand two hundred dol-
lars.

For the salary of the register of probate and insolvency Hampshire.
for the county of Hampshire, nine hundred dollars.

For the salary of the register of probate and insolvency Franklin.
for the county of Franklin, nine hundred dollars.

For the salary of the register of probate and insolvency Barnstable.
for the county of Barnstable, nine hundred dollars.

For the salary of the register of probate and insolvency Nantucket.
for the county of Nantucket, six hundred dollars.

For the salary of the register of probate and insolvency Dukes County.
for the county of Dukes county, six hundred dollars.

For the salary of the assistant-register of probate and in- Assistant reg-
ister for Suf-
folk.
solvency for the county of Suffolk, one thousand five hun-
dred dollars.

For the salary of the assistant-register of probate and in- Middlesex.
solvency for the county of Middlesex, one thousand five
hundred dollars.

For the salary of the assistant-register of probate and in- Worcester.
solvency for the county of Worcester, one thousand five
hundred dollars.

For the salary of the assistant-register of probate and in- Essex.
solvency for the county of Essex, one thousand five hundred
dollars.

For the salary of the assistant-register of probate and in- Norfolk.

solvency for the county of Norfolk, one thousand one hundred dollars.

Expenses of courts.

For certain expenses of courts of insolvency authorized by the General Statutes, a sum not exceeding five hundred dollars.

DISTRICT-ATTORNEYS.

Attorney and clerk for Suffolk.

For the salary of the attorney for the county of Suffolk, five thousand dollars; and for the salary of his clerk, one thousand dollars.

Assistant attorney for Suffolk.

For the salary of the assistant-attorney for the county of Suffolk, two thousand one hundred dollars.

Attorney for Eastern district.

For the salary of the attorney for the eastern district, one thousand five hundred dollars.

Northern district.

For the salary of the attorney for the northern district, one thousand five hundred dollars.

Southern district.

For the salary of the attorney for the southern district, one thousand five hundred dollars.

Middle district.

For the salary of the attorney for the middle district, one thousand five hundred dollars.

South-eastern district.

For the salary of the attorney for the south-eastern district, one thousand five hundred dollars.

Western district.

For the salary of the attorney for the western district, one thousand five hundred dollars.

North-western district.

For the salary of the attorney for the north-western district, one thousand dollars.

POLICE COURTS.

Justice—Cambridge.

For the salary of the justice of the police court in Cambridge, one thousand eight hundred dollars.

Charlestown.

For the salary of the justice of the police court in Charlestown, one thousand two hundred dollars.

Chelsea.

For the salary of the justice of the police court in Chelsea, one thousand six hundred dollars.

Chicopee.

For the salary of the justice of the police court in Chicopee, one thousand six hundred dollars.

Fall River.

For the salary of the justice of the police court in Fall River, one thousand two hundred dollars.

Fitchburg.

For the salary of the justice of the police court in Fitchburg, one thousand three hundred dollars.

Gloucester.

For the salary of the justice of the police court in Gloucester, one thousand six hundred dollars.

Haverhill.

For the salary of the justice of the police court in Haverhill, one thousand two hundred dollars.

Holyoke.

For the salary of the justice of the police court in Holyoke, one thousand six hundred dollars.

For the salary of the justice of the police court in Law- Lawrence.
rence, one thousand eight hundred dollars.

For the salary of the justice of the police court in Lee, Lee.
five hundred dollars.

For the salary of the justice of the police court in Lynn, Lynn.
one thousand two hundred dollars.

For the salary of the justice of the police court in Lowell, Lowell.
two thousand two hundred dollars.

For the salary of the justice of the police court in Mil- Milford.
ford, one thousand six hundred dollars.

For the salary of the justice of the police court in New New Bedford.
Bedford, one thousand five hundred dollars.

For the salary of the justice of the police court in New- Newburyport.
buryport, one thousand dollars.

For the salary of the justice of the police court in Salem, Salem.
one thousand eight hundred dollars.

For the salary of the justice of the police court in Spring- Springfield.
field, two thousand dollars.

For the salary of the justice of the police court in Will- Willamstown.
iamstown, three hundred dollars.

For the salaries of the clerks of the police courts, exclu- Salaries of
sive of clerks elected under chapter one hundred and sixteen clerks.
of the General Statutes, to wit:

For the salary of the clerk of the police court in Cam- Cambridge.
bridge, one thousand dollars.

For the salary of the clerk of the police court in Charles- Charlestown.
town, eight hundred dollars.

For the salary of the clerk of the police court in Fall Fall River.
River, one thousand dollars.

For the salary of the clerk of the police court in Fitch- Fitchburg.
burg, five hundred dollars.

For the salary of the clerk of the police court in Haver- Haverhill.
hill, eight hundred dollars.

For the salary of the clerk of the police court in Lawrence, Lawrence.
one thousand dollars.

For the salary of the clerk of the police court in Lowell, Lowell.
one thousand dollars.

For the salary of the clerk of the police court in Lynn, Lynn.
eight hundred dollars.

For the salary of the clerk of the police court in New New Bedford.
Bedford, eight hundred dollars.

For the salary of the clerk of the police court in New- Newburyport.
buryport, six hundred dollars.

For the salary of the clerk of the police court in Salem, Salem.
one thousand dollars.

MUNICIPAL COURTS.

Justices in Boston.	For the salary of the justices of the municipal court in Boston, nine thousand dollars.
Clerk for criminal business.	For the salary of the clerk of the municipal court in Boston, for criminal business, two thousand five hundred dollars.
Justice for Southern district.	For the salary of the justice of the municipal court for the southern district of Boston, two thousand five hundred dollars.
Clerk.	For the salary of the clerk of the municipal court for the southern district of Boston, one thousand five hundred dollars.
Justice of Dorchester district.	For the salary of the justice of the municipal court of the Dorchester district in Boston, one thousand two hundred dollars.
Justice in Taunton.	For the salary of the justice of the municipal court in Taunton, one thousand two hundred dollars.
Clerk.	For the salary of the clerk of the municipal court in Taunton, eight hundred dollars.
Justice in Worcester.	For the salary of the justice of the municipal court in Worcester, two thousand dollars.
Clerk.	For the salary of the clerk of the municipal court in Worcester, one thousand two hundred dollars.

DISTRICT COURTS.

Justice for Central Berkshire.	For the salary of the justice of the district court for central Berkshire, one thousand six hundred dollars.
Clerk.	For the salary of the clerk of the district court for central Berkshire, six hundred dollars.
Justice for Northern Berkshire.	For the salary of the justice of the district court for northern Berkshire, one thousand two hundred dollars.
Clerk.	For the salary of the clerk of the district court for northern Berkshire, eight hundred dollars.
Justice for Southern Berkshire.	For the salary of the justice of the district court for southern Berkshire, one thousand two hundred dollars.
Clerk.	For the salary of the clerk of the district court for southern Berkshire, three hundred dollars.
Justice for Southern Worcester.	For the salary of the justice of the district court of southern Worcester, one thousand two hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 29, 1872.

Chap. 4. AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.
Be it enacted, &c., as follows :

Appropriations. SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury, from the ordinary

revenue, unless otherwise ordered, for the purposes specified, to meet the current expenses of the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-two, to wit:

LEGISLATIVE DEPARTMENT.

For the salaries of the clerks of the senate and house of representatives, five thousand dollars. Clerks of Senate and House.

For the salary of the sergeant-at-arms, two thousand five hundred dollars. Sergeant-at-arms.

For the compensation of an engineer and such watchmen and firemen as may be employed in the state house, a sum not exceeding nine thousand two hundred dollars. Engineer, watchmen and firemen.

For the compensation of the clerk of the joint standing committee on railways, at the rate provided by law for extra clerks employed in the state house, a sum not exceeding five hundred dollars. Clerk of committee on railway.

EXECUTIVE DEPARTMENT.

For the mileage and compensation of the lieutenant-governor and council, a sum not exceeding twelve thousand dollars. Lieut.-governor and council.

For the compensation of the private secretary of the governor, two thousand dollars. Private secretary.

For the compensation of the messenger of the governor and council, one thousand two hundred dollars. Messenger.

For the compensation of the assistant-messenger of the governor and council, eight hundred dollars. Assistant messenger.

For expenses of the executive department, as authorized by chapter two hundred and fifty of the acts of the year eighteen hundred and seventy, a sum not exceeding five thousand dollars. Department expenses.

For such clerical assistance as the governor may find necessary under the provisions of chapter fifty-six of the resolves of eighteen hundred and seventy-one, a sum not exceeding three thousand dollars. Clerical assistance.

SECRETARY'S DEPARTMENT.

For the salary of the secretary of the Commonwealth, three thousand five hundred dollars. Secretary of the Commonwealth.

For the salary of the first clerk in the secretary's department, two thousand dollars. First clerk.

For the salary of the second clerk in the secretary's department, one thousand seven hundred dollars. Second clerk.

- Messenger.** For the salary of the messenger in the secretary's department, one thousand two hundred dollars.
- Additional clerical assistance.** For such additional clerical assistance as the secretary may find necessary, a sum not exceeding thirteen thousand three hundred dollars.

TREASURER'S DEPARTMENT.

- Treasurer and receiver-general.** For the salary of the treasurer and receiver-general, three thousand five hundred dollars.
- First clerk.** For the salary of the first clerk in the treasurer's department, two thousand five hundred dollars.
- Cashier.** For the salary of the cashier in the treasurer's department, two thousand dollars.
- First assistant clerk.** For the salary of the first assistant clerk in the treasurer's department, two thousand dollars.
- Additional clerical assistance.** For such additional clerical assistance as the treasurer may find necessary, a sum not exceeding two thousand six hundred dollars.

TAX COMMISSIONER'S BUREAU.

- Deputy tax commissioner.** For the salary of the deputy tax commissioner, and of the commissioner of corporations, three thousand dollars.
- First clerk.** For the salary of the first clerk of the tax commissioner, one thousand seven hundred dollars.
- Second clerk.** For the salary of the second clerk of the tax commissioner, one thousand five hundred dollars.
- Additional clerical assistance.** For such additional clerical assistance as the tax commissioner may find necessary, a sum not exceeding twelve thousand dollars.

AUDITOR'S DEPARTMENT.

- Auditor of account.** For the salary of the auditor of accounts, three thousand five hundred dollars.
- First clerk.** For the salary of the first clerk in the auditor's department, two thousand two hundred dollars.
- Second clerk.** For the salary of the second clerk in the auditor's department, two thousand dollars.
- Additional clerical assistance.** For such additional clerical assistance as the auditor may find necessary, a sum not exceeding two thousand six hundred dollars.

ATTORNEY-GENERAL'S DEPARTMENT.

- Attorney-general.** For the salary of the attorney-general, three thousand five hundred dollars.

For the salary of the assistant attorney-general, one thousand eight hundred dollars. Assistant attorney-general.

COMMISSIONERS, ET ALS.

For the salary of the commissioner of savings banks, three thousand three hundred dollars. Savings bank commissioner.

For the salary of the insurance commissioner, two thousand dollars. Insurance commissioner.

For the salary of the deputy insurance commissioner, three thousand dollars. Deputy insurance commissioner.

For the salary of the clerk of the insurance commissioner, two thousand dollars. Clerk.

For such additional clerical assistance as the insurance commissioner may find necessary, a sum not exceeding fifteen hundred dollars. Additional clerical assistance.

The fees received as compensation for the valuation of life-policies, are hereby appropriated, to be applied in accordance with the provisions of chapter four hundred and thirty-four of the acts of the year eighteen hundred and sixty-nine. Fees for valuation of life policies, how applied.

For the compensation of the police commissioners, a sum not exceeding one thousand five hundred dollars; and for their actual travelling expenses, a sum not exceeding five hundred dollars. Police commissioners.

For the salary of the chief constable of the Commonwealth, three thousand dollars; for the salaries of deputy constables, a sum not exceeding eighty-two thousand eight hundred dollars; for actual travelling expenses paid by said constables, a sum not exceeding fifteen thousand dollars; and for office rent, a sum not exceeding five thousand two hundred dollars. Chief constable. Deputy constables. Travelling expenses.

For the salary and office expenses of the inspector of gasmeters, three thousand dollars. Inspector of gasmeters.

For the salaries of the railroad commissioners, twelve thousand dollars. Railroad commissioners.

For the salary of the clerk of the railroad commissioners, two thousand dollars. Clerk.

For the salary of the secretary of the state board of health, two thousand five hundred dollars. Secretary of board of health.

For the salary of the chief of the bureau of statistics on the subject of labor, two thousand five hundred dollars; and for the salary of his deputy, two thousand dollars. Bureau of statistics and labor.

For the salary of the secretary of the board of prison commissioners, two thousand dollars. Secretary of prison commissioners.

AGRICULTURAL DEPARTMENT.

For the salary of the secretary of the board of agriculture, two thousand five hundred dollars. Secretary of board of agriculture.

Clerk.

For the salary of the clerk of the secretary of the board of agriculture, one thousand one hundred dollars.

Clerical services and lectures.

For the compensation of other clerical services in the office of the secretary of the board of agriculture, and for lectures before the board of agriculture, a sum not exceeding four hundred dollars.

BOARD OF STATE CHARITIES.**Secretary.**

For the salary of the secretary of the board of state charities, three thousand dollars.

Clerical assistance.

For such clerical assistance as the secretary of the board of state charities may find necessary, a sum not exceeding six thousand two hundred dollars.

General agent.

For the salary of the general agent of the board of state charities, three thousand dollars.

Clerical and other assistance.

For such clerical and other assistance as the general agent of the board of state charities may find necessary, a sum not exceeding eleven thousand dollars.

Visiting agent.

For the salary of the visiting agent of the board of state charities, the sum of two thousand five hundred dollars; and for such clerical and other assistance as he may find necessary, a sum not exceeding nine thousand three hundred dollars; and of the unexpended appropriation made in eighteen hundred and seventy-one for the contingent expenses of said agent, the sum of eight hundred and sixty-eight dollars may be transferred to the appropriation for clerical assistance employed by him for said year.

Transportation of state paupers.

For the transportation of state paupers, to be expended by the agent of the board of state charities, a sum not exceeding ten thousand dollars, and any additional assistance necessary to effect such transportation shall be paid out of that sum: *provided*, a detailed report of such expenditure shall be rendered to the auditor of accounts whenever required.

EDUCATIONAL DEPARTMENT.**Secretary.**

For the salary and expenses of the secretary of the board of education, three thousand four hundred dollars, to be paid from the moiety of the income of the Massachusetts school fund applicable to educational purposes.

Salaries and expenses of agent.

For the salary and expenses of such agent or agents as the board of education may appoint, a sum not exceeding seven thousand five hundred dollars, to be paid from the moiety of the income of Massachusetts school fund applicable to educational purposes.

For the salary of the assistant librarian and clerk of the board of education, two thousand dollars. Assistant librarian and clerk.

For such additional clerical assistance in the state library as may be found necessary, a sum not exceeding one thousand five hundred dollars. Additional clerical assistance.

MILITARY DEPARTMENT.

For the salary of the adjutant-general, two thousand five hundred dollars. Adjutant-general.

For the salary of the first clerk of the adjutant-general, two thousand dollars. First clerk.

For such additional clerical assistance as the adjutant-general may find necessary, a sum not exceeding four thousand and eighty dollars. Additional clerical assistance.

For the salary of the surgeon-general, a sum not exceeding two thousand five hundred dollars. Surgeon-general.

For such clerical assistance as the surgeon-general may find necessary, a sum not exceeding three thousand five hundred dollars. Clerical assistance.

For the compensation of a messenger in the surgeon-general's bureau, a sum not exceeding one thousand two hundred dollars. Messenger.

For the compensation of the employés at the state arsenal at Cambridge, a sum not exceeding three thousand seven hundred dollars. Employés at arsenal.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1872.

AN ACT TO CHANGE THE NAME OF THE HASKINS PNEUMATIC ALARM COMPANY.

Chap. 5.

Be it enacted, &c., as follows :

SECTION 1. The Haskins Pneumatic Alarm Company shall henceforth be called and known as the Haskins Machine Company, and by said name shall have, hold and enjoy all its rights and privileges, and be subject to all its liabilities and obligations to the same extent as if its name had not been changed. Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1872.

AN ACT TO AMEND THE CHARTER OF THE MASSACHUSETTS NEW CHURCH UNION.

Chap. 6.

Be it enacted, &c., as follows :

SECTION 1. The Massachusetts New Church Union may hold real and personal property, for the purposes provided in Real and personal estate.

the act of their incorporation, in addition to their library, to an amount not exceeding one hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 1, 1872.

Chap. 7. AN ACT TO ESTABLISH THE COMPENSATION OF THE PREACHER OF THE ELECTION SERMON, THE CHAPLAINS, DOORKEEPERS, MESSENGERS AND PAGES OF THE LEGISLATURE.

Be it enacted, &c., as follows:

Compensation of chaplains, preacher of the election sermon, and doorkeepers and messenger of the legislature.

SECTION 1. There shall be allowed and paid out of the treasury to each of the chaplains of the two branches, four hundred dollars; to the preacher of the election sermon, one hundred dollars; to each of the doorkeepers, assistant doorkeepers and messengers of the senate and house of representatives, five dollars, and to each of the pages of the two branches, four dollars, for each day's service, and to each of the doorkeepers and assistant doorkeepers of the senate and house of representatives, and to the postmaster, one hundred dollars in addition.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1872.

Chap. 8. AN ACT MAKING APPROPRIATIONS FOR THE MILEAGE AND COMPENSATION OF THE MEMBERS OF THE LEGISLATURE, AND FOR THE COMPENSATION OF THE PREACHER OF THE ELECTION SERMON, THE CHAPLAINS, DOORKEEPERS, MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations

SECTION 1. The sums hereinafter mentioned in this section are appropriated, to be paid out of the treasury of the Commonwealth, for the purposes specified, to wit:

Mileage of senators.

For the mileage of senators, a sum not exceeding four hundred dollars.

Compensation.

For the compensation of senators, a sum not exceeding thirty thousand seven hundred and fifty dollars.

Mileage of representatives.

For the mileage of representatives, a sum not exceeding two thousand two hundred dollars.

Compensation of representatives.

For the compensation of representatives, a sum not exceeding one hundred and eighty thousand seven hundred and fifty dollars.

Preacher of election sermon.

For the compensation of the preacher of the election sermon, one hundred dollars.

Chaplains of senate and house.

For the compensation of the chaplains of the senate and house of representatives, eight hundred dollars.

Doorkeepers, messenger, &c.

For the compensation of the doorkeepers, messengers and pages of the senate and house of representatives, a sum not exceeding fifteen thousand dollars.

For fees and expenses of summoning witnesses before committees, and for the fees of such witnesses, a sum not exceeding one thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 2, 1872.

AN ACT MAKING APPROPRIATIONS FOR EXPENSES OF THE STATE ALMSHOUSES, THE STATE PRISON, THE REFORM SCHOOL AT WESTBOROUGH, THE MASSACHUSETTS NAUTICAL SCHOOL, THE INDUSTRIAL SCHOOL FOR GIRLS, AND FOR OTHER PURPOSES.

Chap. 9.

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned are appropriated, to be paid out of the treasury, from the ordinary revenue, unless otherwise specified, for the purpose of meeting the current expenses of the institutions hereinafter named and for other purposes, during the year ending December thirty-first in the year eighteen hundred and seventy-two, to wit:—

Appropriations.

CHARITABLE.

For the current expenses of the state almshouse at Tewksbury, a sum not exceeding seventy-six thousand five hundred dollars.

State almshouse, Tewksbury.

For the current expenses of the state almshouse and state primary school at Monson, a sum not exceeding fifty thousand dollars.

Monson.

For the current expenses of the state almshouse and state workshop at Bridgewater, a sum not exceeding forty thousand dollars.

Bridgewater.

For contingent expenses of the visiting agent of the board of state charities, a sum not exceeding three thousand dollars.

Visiting agent.

For expenses of the general agent of the board of state charities, a sum not exceeding two thousand dollars.

General agent's expenses.

For expenses of the secretary of the board of state charities, a sum not exceeding seven hundred dollars.

Secretary's expenses.

For travelling and other expenses of the board of state charities, a sum not exceeding one thousand dollars.

Travelling expenses.

For the support and relief of state lunatic paupers in state hospitals, a sum not exceeding eighty thousand dollars.

Lunatic paupers in hospitals.

For the burial of state paupers, a sum not exceeding seven thousand dollars.

Burial of state paupers.

For the support of state paupers by cities and towns, a sum not exceeding twenty-five thousand dollars; the same to include any expenses necessary to carry out the provisions of chapter one hundred and sixty-two of the acts of eighteen

State paupers supported by towns.

hundred and sixty-five, and chapter twelve of the acts of eighteen hundred and sixty-nine.

Coroners' inquests.

For the expenses of coroners' inquests, a sum not exceeding one thousand dollars.

State almshouse loan sinking fund.

For the state almshouse loan sinking fund for the redemption of scrip, the sum of six thousand dollars.

Asylum for the blind.

For the Perkins institution and Massachusetts asylum for the blind, the sum of thirty thousand dollars.

Asylums for deaf and dumb.

For the support of Massachusetts beneficiaries in the asylums for deaf and dumb, and in other institutions, a sum not exceeding thirty thousand dollars.

Idiotic and feeble-minded youth.

For the Massachusetts school for idiotic and feeble-minded youth, the sum of sixteen thousand five hundred dollars.

Johonnot annuities.

For the annuities due from the Commonwealth, incurred by the acceptance of the bequests of the late Martha Johonnot, a sum not exceeding one thousand two hundred and eighty dollars.

Settlement and bastardy.

For expenses attending the management of cases of settlement and bastardy, and in connection with complaints of or in behalf of persons confined as lunatics, in eighteen hundred and seventy-two, a sum not exceeding two thousand dollars.

Pensions.

For pensions, a sum not exceeding seven hundred dollars.

Indian state paupers.

For the support of Indian state paupers, in accordance with the provisions of chapter four hundred and sixty-three of the acts of the year eighteen hundred and sixty-nine, a sum not exceeding one thousand dollars.

REFORMATORY AND CORRECTIONAL.

State prison, current expenses.

For the current expenses of the state prison, a sum not exceeding one hundred and fifteen thousand dollars.

State Reform School.

For the current expenses of the state reform school at Westborough, a sum not exceeding forty-eight thousand dollars.

Nautical School.

For the current expenses of the Massachusetts nautical school, a sum not exceeding five thousand dollars.

Industrial School.

For the current expenses of the industrial school for girls at Lancaster, a sum not exceeding twenty-four thousand dollars.

Fugitives from justice.

For expenses incurred in the arrest of fugitives from justice, a sum not exceeding one thousand five hundred dollars.

Agent, discharged convicts.

For the salary of an agent for the relief of discharged convicts, a sum not exceeding one thousand dollars; and for expenditures of said agent, a sum not exceeding two thousand dollars.

For expenses of the commissioners on prisons, a sum not exceeding nine hundred dollars. Commissioners on prisons.

From the appropriations for expenses of the state prison, of the state almshouses at Tewksbury, Monson and Bridgewater, of the reform school at Westborough, the Massachusetts nautical school, and of the industrial school for girls, there may be paid to each in advance, a sum not exceeding one thousand dollars, to be accounted for to the state auditor in the monthly settlements of said institutions; and all sums received by said institutions from cities, towns or individuals for the support of inmates, or for articles sold, shall be paid into the treasury of the Commonwealth. Part of appropriation for expenses of State prison, State almshouses, &c., may be advanced and accounted for in monthly settlements with auditor.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1872.

AN ACT TO AUTHORIZE THE STONEHAM STREET RAILROAD COMPANY TO LEASE ITS ROAD. *Chap. 10.*

Be it enacted, &c, as follows:

SECTION 1. The Stoneham Street Railroad Company may lease its road and other property to any other street railway company, or to any party or parties. May lease road and other property.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1872.

AN ACT TO INCORPORATE THE NEW BEDFORD AND FAIRHAVEN STREET RAILWAY COMPANY. *Chap. 11.*

Be it enacted, &c., as follows:

SECTION 1. Andrew G. Pierce, Ward M. Parker, Samuel P. Burt, Nathan Chace, their associates and successors, are hereby made a corporation by the name of the New Bedford and Fairhaven Street Railway Company, with power to construct, maintain and operate a railway on and over any street or streets in said city of New Bedford and town of Fairhaven, with the right to cross on and over the bridge road connecting the said places; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to street railway corporations: *provided, however*, that said city or town is hereby authorized and empowered to contract with said railway corporation concerning the construction, maintenance and operation of said railway, upon such terms as it may agree with said railway corporation, any laws now existing to the contrary notwithstanding. Corporators. Name and purpose. Powers and duties. Proviso.

SECTION 2. The capital stock of said corporation shall not exceed sixty thousand dollars. Capital stock.

New Bedford & Taunton Railroad and New Bedford & Nantucket Steamboat Company may take stock in road, but individuals to have the preference.

Three miles of road to be built within one year.

SECTION 3. The New Bedford and Taunton Railroad Corporation, and the New Bedford, Vineyard and Nantucket Steamboat Company are hereby authorized to subscribe for and hold shares in the capital stock of said New Bedford and Fairhaven Street Railway Company by the vote of their stockholders; but any individuals may have the right to subscribe for the stock to the exclusion of said railroad and steamboat corporations upon application within sixty days after public notice of the organization of the company.

SECTION 4. This act shall be void unless three miles of said road shall be constructed within twelve months from its passage.

SECTION 5. This act shall take effect upon its passage.

Approved February 6, 1882.

Chap. 12. AN ACT TO AUTHORIZE THE WORCESTER SOUTH-EAST AGRICULTURAL SOCIETY TO INCREASE THE AMOUNT OF ITS REAL ESTATE.

Be it enacted, &c., as follows:

\$20,000 in real estate.

Chapter sixty-eight of the acts of the year one thousand eight hundred and sixty, is hereby so amended, that said society may hold and manage real estate to an amount not exceeding twenty thousand dollars.

Approved February 6, 1872.

Chap. 13. AN ACT TO AUTHORIZE STEPHEN H. WARDWELL TO CONSTRUCT A WHARF IN SWAMPSCOTT.

Be it enacted, &c., as follows:

May construct wharf on westerly side of Fishing Point in Swampscott.

SECTION 1. License is hereby given to Stephen H. Wardwell to construct a wharf from land owned by him on the westerly side of Fishing Point, in the town of Swampscott, the location, width and extent thereof to be determined by the board of harbor commissioners, subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1872.

Chap. 14. AN ACT TO EXTEND THE CHARTER OF THE CONWAY MUTUAL FIRE INSURANCE COMPANY.

Be it enacted, &c., as follows:

Charter extended without limitation of time.

The act of the year one thousand eight hundred and forty-nine, incorporating the Conway Mutual Fire Insurance Company of Conway, shall continue in force, and said company shall continue to be a corporation, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the General Statutes relating to such

corporations, after the expiration of its present charter, in all respects, as if the act incorporating said company had contained no limitation of time. *Approved February 6, 1872.*

AN ACT TO AMEND AN ACT TO REVISE THE CHARTER OF THE CITY OF BOSTON. *Chap. 15.*

Be it enacted, &c., as follows:

Section thirty-four of chapter four hundred and forty-eight of the acts of the year eighteen hundred and fifty-four is hereby amended by striking out the words, "and twenty-five members shall constitute a quorum for the transaction of business"; and inserting instead thereof, the words, and a majority of all the members of the common council shall constitute a quorum for the transaction of business.

Majority of members to constitute a quorum in common council of Boston.

Approved February 8, 1872.

AN ACT TO REGULATE THE SPEED OF VESSELS PROPELLED BY STEAM IN BOSTON AND CHARLESTOWN HARBORS. *Chap. 16.*

Be it enacted, &c., as follows:

SECTION 1. No vessel propelled by steam shall either in Boston harbor or Charlestown harbor, pass within one hundred yards of any wharf, at greater speed than at the rate of five miles an hour.

Steam vessels not to pass wharves faster than five miles an hour.

SECTION 2. The master, pilot and engineer of any vessel violating the provisions of this act, shall severally be punished by fine not exceeding one hundred dollars.

Penalties.

SECTION 3. The owner of any vessel violating the provisions of this act shall pay to any person suffering damage thereby, the full amount of such damage, to be recovered in an action of tort.

Damages.

Approved February 10, 1872.

AN ACT TO AUTHORIZE THE CAMBRIDGE RAILROAD COMPANY TO INCREASE ITS CAPITAL STOCK. *Chap. 17.*

Be it enacted, &c., as follows:

SECTION 1. The Cambridge Railroad Company is hereby authorized to increase its capital stock by an amount not exceeding two hundred and fifty thousand dollars, in addition to the amount heretofore authorized by law, at such times and in such sums as the stockholders may determine.

\$250,000 additional capital stock.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1872.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF BERKSHIRE COUNTY TO APPROPRIATE MONEY IN PAYMENT FOR THE NEW COUNTY BUILDINGS AT PITTSFIELD. *Chap. 18.*

Be it enacted, &c., as follows:

SECTION 1. The county commissioners of Berkshire county may appropriate the sum of seventeen thousand three hun-

County commissioners may appropriate

money for pay-
ment for new
county build-
ings at Pitts-
field.

dred and fifty dollars, now in the treasury of said county, (and being the proceeds of the sale of the old county buildings and the land connected, in the town of Lenox,) in payment for the new county buildings of said county at Pittsfield. And in case said sum, with the sum already provided, be insufficient to pay the whole expense of erecting and completing said buildings, said commissioners may appropriate therefor the further sum of five thousand dollars from the sum they are authorized to borrow under the provisions of chapter one hundred and six of the acts of the year eighteen hundred and seventy-one.

Repeal.

SECTION 2. All acts and parts of acts inconsistent herewith, are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved February 14, 1872.

Chap. 19.

AN ACT TO INCORPORATE THE SPENCER HOTEL COMPANY.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

Powers and duties.

Capital stock and shares.

Proviso.

SECTION 1. Luther Hill, John L. Bush, William Upham, their associates and successors, are hereby made a corporation by the name of the Spencer Hotel Company, for the purpose of erecting and maintaining a hotel in the town of Spencer, with the buildings, appurtenances and improvements connected therewith; with all the powers and privileges, and subject to all the duties, liabilities and restrictions contained in all the general laws which now are or may hereafter be in force and applicable to such corporations.

SECTION 2. The capital stock of said corporation shall not exceed one hundred thousand dollars, nor be less than fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and said corporation may hold real and personal estate to the value of one hundred thousand dollars, for the purpose mentioned in the first section: *provided, however*, that said corporation shall not incur any liability until the sum of twenty thousand dollars of its capital stock has been paid in in cash.

SECTION 3. This act shall take effect upon its passage.

Approved February 14, 1872.

Chap. 20.

AN ACT TO INCORPORATE THE EAST WEYMOUTH FIVE CENTS SAVINGS BANK.

Be it enacted, &c., as follows:

Corporators.

Name.

Powers and duties.

SECTION 1. Nathan Canterbury, Peter W. French, Z. L. Bicknell, their associates and successors, are hereby made a corporation by the name of the East Weymouth Five Cents Savings Bank, to be established in that part of the town of Weymouth called East Weymouth; with all the powers and

privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, applicable to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1872.

AN ACT TO AUTHORIZE CHARLES C. HINE TO CONSTRUCT A CAUSEWAY AND BRIDGE IN TISBURY. *Chap. 21.*

Be it enacted, &c., as follows:

SECTION 1. License is hereby given to Charles C. Hine to construct and maintain a causeway and bridge for the purpose of a road between lands owned by himself in the town of Tisbury across tide water from a point on Little Neck, so called, to the beach that separates the waters of Vineyard Haven harbor and the Lagoon Pond: *provided*, that all things done under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and also *provided*, that this license shall in no wise impair the legal rights of any person, and *provided, further*, that this license shall expire at the end of five years after the passage of this act, unless the said causeway and bridge shall be constructed within such period.

May construct causeway and bridge across tide-water in Tisbury;

—subject to approval of harbor commissioners.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1872.

AN ACT TO INCREASE THE CAPITAL STOCK OF THE PRESCOTT FIRE AND MARINE INSURANCE COMPANY. *Chap. 22.*

Be it enacted, &c., as follows:

The Prescott Fire and Marine Insurance Company may increase its capital stock to a sum not exceeding five hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in within three years from the passage of this act, in such instalments as the corporation shall from time to time determine, and to be invested according to law.

May increase capital stock to a sum not exceeding \$500,000.

Approved February 14, 1872.

AN ACT TO AUTHORIZE THE FITCHBURG MUTUAL FIRE INSURANCE COMPANY TO PURCHASE AND HOLD REAL ESTATE. *Chap. 23.*

Be it enacted, &c., as follows:

SECTION 1. The Fitchburg Mutual Fire Insurance Company is hereby authorized to purchase and hold real estate in Fitchburg to an amount not exceeding thirty thousand dollars, to be used wholly, or in part, for the purposes of the company.

May hold \$30,000 in real estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1872.

Chap. 24. AN ACT IN RELATION TO REPORTS AND RETURNS IN RESPECT TO JAILS AND HOUSES OF CORRECTION.

Be it enacted, &c., as follows:

Reports and returns to be made under 1864, 307.

Commissioners and secretary to have access to reports, &c.

SECTION 1. So much of section nine, chapter three hundred and seventy, of the acts of the year one thousand eight hundred and seventy, as provides that the reports and returns therein referred to shall be made to the commissioners of prisons, is hereby repealed, and the same shall continue to be made as provided in chapter three hundred and seven of the acts of the year one thousand eight hundred and sixty-four; but the commissioners of prisons and their secretary shall have free access to said reports and returns.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1872.

Chap. 25. AN ACT TO AUTHORIZE THE PROPRIETORS OF ARLINGTON STREET CHURCH TO CONVEY REAL ESTATE.

Be it enacted, &c., as follows:

Arlington Street Church may sell real estate not used as place of public worship.

SECTION 1. The prudential committee of "The Proprietors of Arlington Street Church," in the city of Boston, may sell and convey at their discretion, so much of the real estate of said corporation situate on Boylston Street, Boston, as is not now used and occupied as a place of public worship by said proprietors; and said committee, or a majority thereof, may execute and deliver all conveyances necessary to complete said sale.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1872.

Chap. 26. AN ACT TO AUTHORIZE THE NATIONAL INSURANCE COMPANY TO ISSUE PREFERRED STOCK.

Be it enacted, &c., as follows:

May issue preferred stock, and pay dividends thereon of five per cent. semi-annually.

Excess of profits on preferred stock to be applied to restoring original capital.

SECTION 1. The National Insurance Company of the city of Boston, is hereby authorized to issue not exceeding three thousand shares of stock of the par value of one hundred dollars each, and the same shall be called and entitled preferred stock, upon which a dividend of five per cent. or all that may be earned by said company, within that amount, shall be paid semi-annually.

SECTION 2. All excess of the profits and income of said company above the dividend in the first section of this act provided to be paid on the preferred stock, shall be retained by the company until the original capital stock of the company be fully restored, and when and after said original capital be restored, any dividends of the profits of the company after payment of said dividend on the preferred stock

shall be made on the preferred and common stock at the same rate.

Dividends after capital is restored.

SECTION 3. Each present shareholder of said company shall be entitled to subscribe for and take such proportion of the preferred stock which shall be issued under the provisions of this act as the number of shares now held by him bears to the whole number of shares of the present capital stock of said company. All shares not taken by the present shareholders or their assigns within twenty days after notice of the proposed issue, shall be disposed of as the directors of the company shall determine at not less than one hundred dollars per share.

How preferred stock may be subscribed for and issued.

SECTION 4. This act shall take effect upon its passage.

Approved February 20, 1872.

AN ACT TO AUTHORIZE THE TAUNTON BRANCH RAILROAD CORPORATION TO INCREASE ITS CAPITAL STOCK.

Chap. 27.

Be it enacted, &c., as follows:

SECTION 1. The Taunton Branch Railroad Corporation is hereby authorized to increase its capital stock, by an amount not exceeding one hundred thousand dollars, subject to the provisions of the general laws which now are or may hereafter be in force concerning railroad corporations.

\$100,000 additional capital stock.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1872.

AN ACT TO AUTHORIZE THE OLD COLONY AND NEWPORT RAILWAY COMPANY TO CONSTRUCT TRACKS TO CONNECT ITS RAILROAD WITH THE NEW BEDFORD AND TAUNTON RAILROAD IN TAUNTON.

Chap. 28.

Be it enacted, &c., as follows:

SECTION 1. The Old Colony and Newport Railway Company is hereby authorized to locate, construct and maintain railroad tracks in the city of Taunton, near Weir Junction, so called: first, from the westerly side of its railroad northerly from said junction to the northerly side of the New Bedford and Taunton Railroad, and second, from the westerly side of its railroad, southerly from said junction to the southerly side of said New Bedford and Taunton Railroad; with all the powers and privileges, and subject to all the duties, liabilities and restrictions which now are or hereafter may be contained in all general laws relating to railroad corporations.

Old Colony and Newport Railway may construct tracks in Taunton to connect with New Bedford and Taunton R. R.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1872.

Chap. 29. AN ACT TO AUTHORIZE SAMUEL DOWNER TO EXTEND ONE WHARF
AND BUILD ANOTHER IN HINGHAM HARBOR.

Be it enacted, &c., as follows :

May extend one
wharf and build
another in
Hingham har-
bor.

Proviso.

SECTION 1 License is hereby given to Samuel Downer to extend one wharf and construct another at Downer's Landing, formerly called Crow Point, in Hingham harbor, within such limits as the harbor commissioners may determine and direct : *provided*, that all things done under this act shall be subject to the provisions of the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, so far as applicable.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1872.

Chap. 30. AN ACT TO INCORPORATE THE METACOMET FIRE INSURANCE COMPANY
OF FALL RIVER.

Be it enacted, &c., as follows :

Corporators.

Name and pur-
pose.

Powers and
duties.

Capital stock.

Proviso.

Real estate not
to exceed
twenty per
cent. of paid-up
capital.

SECTION 1. Charles H. Dean, William H. Jennings, Iram Smith and John D. Flint, their associates and successors, are hereby made a corporation by the name of the Metacomet Fire Insurance Company of Fall River, for the purpose of insuring against losses by fire ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which are or may be in force relating to such corporations.

SECTION 2. Said corporation shall have a capital stock of two hundred thousand dollars, with liberty to pay in and increase the same to five hundred thousand dollars : *pro-
vided*, that such increase shall be paid in in cash within five years from the passage of this act.

SECTION 3. Said corporation may hold real estate to an amount not exceeding twenty per cent. of its paid-up capital.

SECTION 4. This act shall take effect upon its passage.

Approved February 20, 1872.

Chap. 31. AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO FUND ITS FLOAT-
ING DEBT, AND TO ISSUE ADDITIONAL SEWER AND WATER SCRIP.

Be it enacted, &c., as follows :

May borrow
money to fund
floating debt,
and issue addi-
tional sewerage
and water scrip.

SECTION 1. The city council of the city of Worcester shall have authority to borrow such sums of money as shall be necessary for funding the present floating debt of said city incurred in the construction of sewers and drains, in supplying said city with water, and for other municipal purposes, and shall further have authority to borrow money

from time to time to an amount not exceeding five hundred thousand dollars, for defraying expenses hereafter to be incurred by said city for sewers and drains, and for water; and all expenditures and indebtedness heretofore incurred by said city for sewers and drains and water are hereby confirmed; and said city council may issue the notes, bonds or certificates of indebtedness of said city, bearing interest payable semi-annually, and redeemable at such times as they shall direct, for all sums of money borrowed under authority of this act.

SECTION 2. This act shall take effect upon its passage.

Approved February 20, 1872.

AN ACT TO INCORPORATE THE TOWN OF NORWOOD.

Chap. 32.

Be it enacted, &c., as follows:

SECTION 1. All the territory now within the towns of Dedham and Walpole, in the county of Norfolk, comprised within the following limits, that is to say: Beginning at the point where the southerly side of Canton street crosses the dividing line between the towns of Canton and Dedham; thence running north-westerly on the south-westerly side of said Canton street, about three thousand feet, to a point dividing the lands of John and Luther Eaton; thence running from said point, on a line in the direction of the old parish boundary now standing at the junction of Centre street and East street, until said line strikes and crosses Downey street at a point about thirteen hundred and two feet from a monument at the corner of Downey street and Everett street; thence running westerly to a point on Everett street about thirty-six feet northerly of a stone monument on said Everett street; thence running westerly on the northerly side of Everett street, and crossing Centre street, to the street-boundary post on the southerly side of Clapboard-tree street, near the south-westerly abutment of the Boston, Hartford and Erie railroad bridge, near Ellis's station; thence running westerly by the southerly side of Clapboard-tree street, to the angle in said street, which is about forty-five rods west of Jeremiah W. Gay's house; thence in a straight line toward the corner of land of Samuel Cheney, on Winter street, twenty-one rods north of the house of said Samuel Cheney, until said line strikes and crosses Nahatan street about three hundred and nine feet southerly from the north corner of Ebenezer Gay's land; thence in a straight line passing through the easterly line of the junction of Oak street and Brook street, to the dividing line between the towns of Dedham and Walpole; then following the said dividing line south-

Limits of the town of Norwood.

Powers and
duties.

easterly to a monument where Brook street crosses Babbling brook, at a point south of, and near to the house of James R. Fisher; thence in a straight line to a monument on the east side of the old post-road, on land now or late of the heirs of Isaac Fisher; thence by the lines dividing the town of Dedham from the towns of Walpole, Sharon and Canton respectively, to the point of beginning,—is hereby incorporated into a town by the name of Norwood; and said town is hereby invested with all the powers, privileges, rights and immunities, and is subject to all the duties and requisitions to which other towns are entitled and subject by the constitution and laws of this Commonwealth.

Taxes, how to
be assessed, col-
lected, and paid.

SECTION 2. The inhabitants of said town of Norwood shall be holden to pay all arrears of taxes which have been legally assessed upon them by the towns of Dedham and Walpole respectively; and all taxes heretofore assessed and not collected shall be collected and paid to the treasurers of the towns of Dedham and Walpole, in the same manner as if this act had not been passed; and, until the next general valuation of estates in this Commonwealth, the town of Norwood shall annually pay to the said towns of Dedham and Walpole, respectively, the proportion of any state or county tax which the said towns of Dedham and Walpole, respectively, may be required to pay upon the inhabitants or estates hereby set off,—said proportion to be ascertained and determined by the respective valuations of Dedham and Walpole next preceding the passage of this act.

Support of
paupers.

SECTION 3. Said towns of Dedham, Walpole and Norwood shall respectively be liable for the support of all persons who now do, or shall hereafter stand in need of relief as paupers, whose settlement was gained by or derived from a settlement gained or derived within their respective limits. And said town of Norwood shall pay annually to said town of Dedham one-fifth part of all costs of the support or relief of those persons who now do, or shall hereafter stand in need of relief or support as paupers, and who have gained a settlement in said town of Dedham in consequence of the military services of themselves, or of those through whom they derive their settlement.

Dedham, Wal-
pole, and Nor-
wood to retain
corporate prop-
erty belonging
to their respect-
ive limits.

Debts to be
paid according
to assessed
value of towns.

SECTION 4. Said towns of Dedham, Walpole and Norwood shall each retain and hold all the town property, real or personal, now in or belonging to their respective limits; and the town of Norwood shall assume and pay its just and equitable proportions (according to its present assessed valuation) of any debt due or owing from the towns of Dedham or Walpole respectively, at the time of the passage of this

act; and shall be entitled to receive from said towns, respectively, its just and equitable proportion (according to said assessed valuation, and a valuation hereafter to be made) of all corporate property then owned by said towns of Dedham and Walpole respectively, including in said calculations all the property named in this section. And if the property retained and held by said town of Norwood, as aforesaid, shall exceed its just and equitable proportion of said corporate property, it shall refund to said towns of Dedham and Walpole, respectively, such sums as shall make such proportions just and equitable. In case the valuations or proportions aforesaid cannot be agreed upon by the said towns of Dedham or Walpole, respectively, with said town of Norwood, the same shall be determined by three commissioners, neither of whom shall be residents in said county of Norfolk, to be appointed by the superior court for said county of Norfolk, upon the petition of either of said towns, and said petition may be filed, and appointments made in vacation. Said town of Norwood shall be held to refund to said towns of Dedham and Walpole, respectively, its just proportion of the surplus revenue, whenever the same shall be called for, according to law, such proportion to be determined by the decennial state valuation next preceding such call.

Commissioners
to be appointed
by superior
court, if towns
disagree.

SECTION 5. Any justice of the peace within and for the county of Norfolk, may issue his warrant, directed to any inhabitant of the town of Norwood, requiring him to notify and warn the inhabitants thereof who may be qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings; and the officers so chosen, when qualified, shall hold their respective offices until the annual meeting of the year eighteen hundred and seventy-three, and until others are chosen to fill their several places. Said warrant shall be served by publishing a copy thereof in two newspapers, each published in said county of Norfolk, and by posting up copies thereof (all attested by the person to whom the same is directed) in three public places in said town of Norwood, seven days, at least, before said time of meeting. Said justice, or, in his absence, such inhabitant required to notify the meeting, shall preside until the choice of a moderator in said meeting.

First meeting
for election of
town officers.

SECTION 6. The selectmen of the towns of Walpole and Dedham respectively, shall, before said meeting, prepare lists of voters in said town of Norwood, who are residents in that portion of territory which is set off from their respect-

Selectmen of
Walpole and
Dedham to pre-
pare lists of
voters and de-
liver to presid-
ing officer of
meeting.

Election of representatives to the general court, senators, councillors, and members of congress.

ive towns by this act, and who are qualified to vote at such meeting, and shall deliver the same to the person presiding at such meeting, before the choice of a moderator thereof.

SECTION 7. The territory of the town of Norwood which has heretofore been a part of Dedham, shall, for the purpose of electing a representative to congress, remain a part of the congressional district, numbered seven, until legally changed; and for the purpose of electing a councillor, shall remain a part of councillor district, numbered two, until legally changed; and for the purpose of electing a senator shall remain a part of the second Norfolk senatorial district, until legally changed; and for the purpose of electing a representative to the general court, shall remain a part of the first Norfolk representative district, until legally changed. And the inhabitants on said territory shall vote for each of said officers in the town of Norwood. The selectmen and clerk of said town of Norwood, in each of said cases, shall make returns as if said town had existed at the time of the formation of said districts. And said clerk shall meet with the clerk of said town of Dedham, at the town clerk's office in said Dedham, whenever it may be requisite, for the purpose of ascertaining the results of any of said elections of representation to the general court and making certificate of the same according to law.

Territory heretofore a part of Walpole to remain in present districts, and inhabitants to vote in Walpole.

SECTION 8. The territory of the town of Norwood which has heretofore been a part of the town of Walpole, shall, for the several purposes mentioned in the seventh section of this act, remain, until legally changed in the several districts, in which it has heretofore been, and the inhabitants thereof, shall, in each of said cases, until legally changed, continue to vote in the town of Walpole; but shall be assessed and taxed only as inhabitants of the town of Norwood, and shall pay the same only to the proper officers of said town.

Town clerk of Norwood to furnish list of voters to town clerk of Walpole.

The clerk of said town of Norwood, shall, before each of the elections referred to in the seventh section of this act, furnish to the clerk of the town of Walpole, seven days at least, before each of said elections, a certified list of the voters resident in said territory set off by this act, and qualified to vote at such election.

Norwood to bear expense of surveys and establishing town lines.

SECTION 9. The said town of Norwood shall bear the expense of making the necessary surveys and establishing the lines between the said towns of Dedham and Walpole, respectively, and said town of Norwood.

Reimbursements for boundaries and State

SECTION 10. The said town of Norwood shall receive from the said towns of Dedham and Walpole, respectively, a

proportional part of whatever amount may hereafter be refunded to either of said towns respectively, from the state or the United States, to reimburse either of said towns for bounties to soldiers or state aid, heretofore paid to soldiers' families, after deducting all reasonable expenses.

aid to soldiers
and their fami-
lies.

SECTION 11. This act shall take effect upon its passage.

Approved February 28, 1872.

AN ACT IN FURTHER ADDITION TO AN ACT MAKING APPROPRIATIONS FOR THE MAINTENANCE OF THE GOVERNMENT DURING THE PRESENT YEAR.

Chap. 33.

Be it enacted, &c., as follows :

SECTION 1. The sums hereinafter mentioned are appropriated for the purposes specified, to be paid out of the treasury from the ordinary revenue, unless otherwise ordered, to meet the current expenses of the year ending on the thirty-first day of December, in the year eighteen hundred and seventy-two, to wit :—

Appropriations.

LEGISLATIVE AND EXECUTIVE DEPARTMENTS.

For printing and binding ordered by the senate or house of representatives, or by the concurrent order of the two branches, a sum not exceeding forty-five thousand dollars.

Printing and
binding ordered
by the legisla-
ture.

For stationery for the senate, purchased by the clerk of the senate, a sum not exceeding one thousand dollars.

Senate station-
ery.

For printing blanks and circulars and the calendar of orders of the day for the use of the senate, a sum not exceeding one thousand dollars.

Senate blanks,
circulars, &c.

For stationery for the house of representatives, purchased by the clerk of the house of representatives, a sum not exceeding two thousand dollars.

House station-
ery.

For printing blanks and circulars and the calendar of orders of the day for the use of the house of representatives, a sum not exceeding one thousand two hundred dollars.

House blanks,
circulars, &c.

For books, stationery, printing and advertising, ordered by the sergeant-at-arms for the legislature, a sum not exceeding eight hundred dollars.

Stationery, &c.,
ordered by ser-
geant-at-arms.

For the authorized expenses of committees of the present legislature, the same to include clerical assistance to committees authorized to employ the same, a sum not exceeding three thousand dollars.

Expenses of
committees.

For postage, printing and stationery, for the governor and council, a sum not exceeding one thousand dollars.

Postage, &c.,
for governor
and council.

For the contingent expenses of the governor and council, a sum not exceeding one thousand five hundred dollars.

Contingent
expenses of
governor and
council.

STATE HOUSE.

State house
fuel and lights,

For fuel and lights for the state house, a sum not exceeding six thousand five hundred dollars.

—repairs and
furniture

For repairs, improvements and furniture of the state house, a sum not exceeding four thousand dollars.

Contingent ex-
penses of Sen-
ate and House
of Representa-
tives.
Proviso.

For contingent expenses of the senate and house of representatives and necessary expenses in and about the state house, a sum not exceeding four thousand dollars: *provided*, that no part of such sum shall be expended for stationery, postage, printing, repairs or furniture, or for the purchase of any article or thing, or to effect any object for which an appropriation is otherwise made in this act or in any act which may be subsequently passed.

STATE PRINTING.

Printing gen-
eral laws.

For printing such number, not exceeding thirty-five thousand of the pamphlet edition of the general acts and resolves of the present year, for distribution in the Commonwealth, a sum not exceeding eight thousand dollars.

Printing and
binding "Blue
Book."

For printing and binding three thousand five hundred copies of the "blue book" edition of the acts and resolves of the present year, with the governor's messages and other matters, in the usual form, a sum not exceeding six thousand dollars.

Newspaper
publication of
general laws.

For the newspaper publication of the general laws and all other information intended for the public, a sum not exceeding five hundred dollars.

Public docu-
ments;

For printing the public series of documents in the last quarter of the year one thousand eight hundred and seventy-two, under the direction of the secretary of the Commonwealth, and for binding the copies to be distributed to the towns and cities, a sum not exceeding thirty thousand dollars.

—binding.

Term reports.

For term reports, a sum not exceeding five thousand five hundred dollars.

Railroad re-
ports.

For printing and binding the annual railroad reports, a sum not exceeding two thousand five hundred dollars.

Supplement to
the General
Statutes.

For the publication and editing of the supplement to the General Statutes for the present year, as authorized by chapter eighteen of the resolves of the year eighteen hundred and sixty-seven, a sum not exceeding five hundred dollars for the publication and two hundred dollars for editing the same.

INCIDENTAL AND CONTINGENT EXPENSES.

For incidental expenses of the secretary's department, a sum not exceeding five thousand five hundred dollars; and for assessors' books and registration blanks for the secretary's department, a sum not exceeding two thousand five hundred dollars.

Incidental expenses:

—secretary;

For incidental expenses of the treasurer's department, a sum not exceeding one thousand dollars.

—treasurer;

For the expenses of the tax commissioner, a sum not exceeding three thousand and fifty dollars.

—tax commissioner;

For expenses of the auditor's department, the same to include expenses attending the administration of the law providing state aid for Massachusetts volunteers and their families, a sum not exceeding eight hundred dollars.

—auditor;

For incidental and contingent expenses of the insurance commissioner, a sum not exceeding one thousand nine hundred dollars.

—insurance commissioner;

For fees, costs and court expenses of the attorney-general, and for incidental and contingent expenses of the office of the attorney-general, a sum not exceeding two thousand dollars.

—attorney-general;

For the contingent expenses of civil actions, as authorized by section twenty-four of chapter fourteen of the General Statutes, a sum not exceeding three hundred dollars.

—civil actions.

MILITARY.

For the incidental expenses and express charges of the adjutant-general, a sum not exceeding two thousand dollars.

Adjutant-general, incidental expenses.

For militia bounty, a sum not exceeding one hundred and fourteen thousand dollars.

Militia bounty.

For military accounts, a sum not exceeding six thousand dollars.

Military accounts.

For expenses of the bureau of the quartermaster-general, a sum not exceeding four thousand dollars.

Quartermaster-general.

For the rent of armories, a sum not exceeding twenty-five thousand dollars.

Rent of armories, etc.

For instruction, orderly and roll books, a sum not exceeding one hundred and fifty dollars.

Books of instruction.

For expenses of the commissioners on state bounties, a sum not exceeding twenty-five dollars.

Commissioner, state bounties.

For expenses of the state commissioner on the soldiers' national cemeteries at Gettysburg and Antietam, a sum not exceeding fifty dollars.

Soldiers' cemeteries.

For expenses of the bureau of the surgeon-general, a sum not exceeding five hundred dollars.

Surgeon-general.

Medical supplies.

For medical, surgical and hospital supplies, and contingent expenses connected therewith, the same being for use of the state militia, a sum not exceeding five hundred dollars.

Reimbursements for state aid paid by cities and towns.

For the reimbursement of cities and towns, for money paid on account of aid to Massachusetts volunteers and their families, a sum not exceeding six hundred thousand dollars; the same to be payable on the first day of December, in the year eighteen hundred and seventy-two.

Soldiers' bounties.

For the payments of bounties remaining due to Massachusetts soldiers, a sum not exceeding two thousand dollars.

Quartermaster's supplies.

For quartermasters' supplies, a sum not exceeding four thousand dollars.

AGRICULTURAL.**Bounties to societies.**

For bounties to agricultural societies, a sum not exceeding seventeen thousand two hundred and ninety dollars.

Expenses of member of board.

For the personal expenses of members of the board of agriculture, a sum not exceeding one thousand five hundred dollars.

Secretary of the board.

For the travelling expenses of the secretary of the board of agriculture, all postages and necessary expenses, a sum not exceeding two hundred and fifty dollars.

Incidental expenses.

For other incidental expenses of said board, a sum not exceeding one hundred and fifty dollars.

Printing report.

For printing the report of the board of agriculture, a sum not exceeding ten thousand dollars.

MISCELLANEOUS.**Distribution of blanks by sheriffs.**

To the sheriffs of the several counties, for distributing proclamations, blanks, and making returns of votes, a sum not exceeding five hundred dollars.

Books for state library.

For the purchase of books for the state library, two thousand three hundred dollars, to be expended under the direction of the trustees and librarian.

Railroad commissioners.

For the compensation of experts or other agents, and for contingent expenses of the railroad commissioners, a sum not exceeding three thousand dollars.

Commissioners on public lands.

For the compensation of the commissioners on public lands, a sum not exceeding three thousand five hundred dollars, and for contingent and incidental expenses of said commissioners, a sum not exceeding five hundred dollars; said sums to be paid from the moiety of the proceeds of sales applicable to improvements. And the residue of said moiety is hereby appropriated to be applied and used in accordance with the statutes.

For the compensation and expenses of the harbor commissioners, a sum not exceeding ten thousand dollars. Harbor commissioners.

For the compensation and expenses of the commissioners on fisheries, a sum not exceeding five thousand dollars. Commissioners on fisheries.

For expenses of the bureau of statistics on the subject of labor, a sum not exceeding five thousand dollars. Bureau of statistics on subject of labor.

For expenses of the board of health, a sum not exceeding five thousand dollars. Board of health.

For expenses of the commissioner of corporations, a sum not exceeding seven hundred dollars. Commissioner of corporations.

For the annuity of Jane Parks, two hundred dollars. Annuity of Jane Parks.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1872.

AN ACT TO AUTHORIZE THE REGISTER OF DEEDS FOR THE COUNTY OF SUFFOLK TO APPOINT AN ASSISTANT.

Chap. 34.

Be it enacted, &c., as follows:

SECTION 1. The register of deeds for the county of Suffolk may, subject to the approval of the superior court in said county, appoint an assistant register of deeds for whose doings the said register shall be responsible. Said assistant shall be paid for his services by said register, and be removable at his pleasure. Register of deeds for Suffolk may appoint an assistant.

SECTION 2. Any document or paper certified or attested by said assistant register shall be admissible as evidence in all courts of this Commonwealth, in the same manner, and to the same extent as if such document or paper was certified or attested by the register. Certificate of assistant register to be received by the courts as if made by the register.

SECTION 3. This act shall take effect upon its passage.

Approved February 23, 1872.

AN ACT TO AUTHORIZE THE TOWN OF MEDFORD TO ISSUE ADDITIONAL WATER FUND BONDS.

Chap. 35.

Be it enacted, &c., as follows:

SECTION 1. The town of Medford is hereby authorized, for the purposes mentioned in the third section of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, to issue bonds to an amount not exceeding one hundred thousand dollars in addition to the amount therein authorized to be issued, and also in addition to the amount authorized to be issued by chapter sixty-five of the acts of the year eighteen hundred and seventy-one, upon like terms and conditions, and with like powers in all respects as are provided in said chapter one hundred and Medford may issue additional water fund bonds.

sixty of the acts of the year eighteen hundred and seventy, for the issue of bonds of said town.

SECTION 2. This act shall take effect upon its passage.

Approved February 23, 1872.

Chap. 36. AN ACT TO PROVIDE FOR THE CONSTRUCTION OF A DOUBLE TRACK BY THE EASTERN RAILROAD COMPANY UPON ITS SAUGUS BRANCH RAILROAD.

Be it enacted, &c., as follows:

Eastern Railroad may lay a double track upon its Saugus Branch.

SECTION 1. So much of section one of chapter three hundred and thirty-five of the acts of the year eighteen hundred and sixty-seven, as provides that the provisions of said chapter shall not authorize the Eastern Railroad Company to lay a double track upon any part of the so-called Saugus Branch Railroad from Malden to Lynn, is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved February 24, 1872.

Chap. 37. AN ACT TO AUTHORIZE THE BOSTON, BARRE AND GARDNER RAILROAD CORPORATION TO EXTEND ITS RAILROAD FROM GARDNER TO WINCHENDON.

Be it enacted, &c., as follows:

Boston, Barre, and Gardner Railroad Corporation may extend road to Winchendon;

SECTION 1. The Boston, Barre and Gardner Railroad Corporation may extend its railroad, with one or more tracks, from its present northerly terminus in Gardner, northerly, to some convenient point on the line of the Cheshire Railroad Company, or of the Monadnock Railroad Company in Winchendon.

—may enter upon and unite with Ware River, Cheshire, and Monadnock Railroads;

SECTION 2. Said corporation may enter with its railroad upon, unite the same with, and use the railroads of the Ware River Railroad Company, of the Cheshire Railroad Company, and of the Monadnock Railroad Company, or of either of them, and said last named corporations may, respectively, enter with their railroads upon, unite the same with, and use the railroad of said Boston, Barre and Gardner Railroad Corporation, subject to the provisions of the general laws.

—may cross other railroads, commissioners to determine if roads disagree upon terms;

SECTION 3. Said Boston, Barre and Gardner Railroad Corporation may cross, with its railroad, the railroads of other corporations on the line of its location, in such manner, and upon such terms, as the parties shall agree, or, in case of disagreement, as the board of railroad commissioners shall determine.

—extension to be located within one and constructed within two years.

SECTION 4. The extension of the railroad of said corporation, authorized by this act, shall be located within one

year, and constructed within two years from the passage of this act.

SECTION 5. This act shall take effect upon its passage.

Approved February 24, 1872.

AN ACT TO REDUCE THE CAPITAL STOCK OF THE FALMOUTH HEIGHTS LAND AND WHARF COMPANY. *Chap. 38.*

Be it enacted, &c., as follows:

SECTION 1. The capital stock of the Falmouth Heights Land and Wharf Company shall be twenty thousand dollars, to be divided into shares of one hundred dollars each: *provided, however,* that said corporation shall not commence business or incur liability until fifteen thousand dollars of capital stock shall have been paid in in cash. Capital stock fixed at \$20,000.
Proviso.

SECTION 2. Section three of chapter two hundred and seventy-eight of the acts of the year one thousand eight hundred and seventy-one is hereby repealed. Repeal of 1871, 278, § 3.

SECTION 3. This act shall take effect upon its passage.

Approved February 26, 1872.

AN ACT TO EXTEND THE TIME FOR LOCATING AND COMPLETING THE GLOUCESTER AND LANESVILLE RAILROAD. *Chap. 39.*

Be it enacted, &c., as follows:

SECTION 1. The time for locating the Gloucester and Lanesville Railroad is hereby extended to the first day of June, in the year eighteen hundred and seventy-five, and the further completion of the same to the first day of June, in the year eighteen hundred and seventy-seven. Time for location and completion extended.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1872.

AN ACT TO REVIVE THE CHARTER OF THE EAST WALPOLE BRANCH RAILROAD COMPANY. *Chap. 40.*

Be it enacted, &c., as follows:

The charter of the East Walpole Branch Railroad Company, incorporated by chapter thirty-five of the acts of the year one thousand eight hundred and sixty-eight, is hereby revived; the time for the organization of said company is hereby extended two years; and the time for locating and constructing said road, and the road authorized by chapter three hundred and forty-one of the acts of the year one thousand eight hundred and seventy-one, for three years from the passage of this act. Charter revived, and time for location and construction extended.

Approved February 26, 1872.

Chap. 41. AN ACT TO EXTEND THE TIME WITHIN WHICH THE WORCESTER AND NASHUA RAILROAD COMPANY MAY TAKE LAND AND MATERIALS, AND FILE ITS LOCATION.

Be it enacted, &c., as follows :

Time for taking land for an additional track extended.

SECTION 1. The time within which the Worcester and Nashua Railroad Company may take land and materials for an additional track, and file a location of the same, as provided in chapter ninety-one of the acts of the year one thousand eight hundred and seventy, is hereby extended to March seventeenth, in the year one thousand eight hundred and seventy-five.

SECTION 2. This act shall take effect upon its passage.

Approved February 26, 1872.

Chap. 42. AN ACT FOR THE PRESERVATION OF BOOKS AND OTHER PROPERTY BELONGING TO PUBLIC LIBRARIES.

Be it enacted, &c., as follows :

Penalty for defacing books, &c., in public libraries.

SECTION 1. Whoever wilfully and maliciously or wantonly and without cause writes upon, injures, defaces, tears or destroys any book, plate, picture, engraving or statue, belonging to any law, town, city or other public library, shall be punished by a fine of not less than five dollars nor more than fifty dollars, or by imprisonment in the jail not exceeding six months for every such offence.

Repeal.

SECTION 2. Chapter sixty-nine of the acts of the year one thousand eight hundred and sixty-seven is hereby repealed.

Approved February 26, 1872.

Chap. 43. AN ACT TO INCREASE THE NUMBER OF ASSISTANT CLERKS IN THE MUNICIPAL COURT OF THE CITY OF BOSTON FOR CRIMINAL BUSINESS.

Be it enacted, &c., as follows :

Clerk of municipal court of Boston may appoint four assistant clerks subject to approval of the justices, and be removable at his pleasure.

SECTION 1. The clerk of the municipal court of the city of Boston, for the transaction of criminal business may, subject to the approval of the justices of said court or a majority of them, appoint four assistant clerks who shall be removable at his pleasure, and for whose doings he shall be responsible, two of whom shall be styled first assistant clerks, and two second assistant clerks. The first assistant clerks shall receive an annual salary of two thousand dollars each, and the second assistant clerks shall receive an annual salary of eighteen hundred dollars each. The said assistant clerks shall have the same powers and duties, and shall have their salaries paid in the same manner, as now provided by law.

Salaries.

Repeal.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved February 27, 1872.

**AN ACT TO PROVIDE FOR THE APPOINTMENT OF AN ASSISTANT-CLERK
OF THE MUNICIPAL COURT FOR THE SOUTHERN DISTRICT OF BOSTON.**

Chap. 44.

Be it enacted, &c., as follows :

SECTION 1. The clerk of the municipal court for the southern district of Boston, may, subject to the approval of the justice of said court, appoint an assistant-clerk, who shall be removable at his pleasure, and for whose doings he shall be responsible; and said assistant-clerk shall receive an annual salary of eight hundred dollars, to be paid out of the treasury. Said assistant-clerk shall be qualified in the same manner and perform the like duties as are now provided in case of the assistant clerks of the municipal court of Boston.

Clerk of municipal court of southern district of Boston may appoint an assistant, with the approval of the justice.

Salary.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1872.

**AN ACT TO ABOLISH THE STATE ALMSHOUSES AT BRIDGEWATER
AND MONSON.**

Chap. 45.

Be it enacted, &c., as follows :

SECTION 1. The state almshouses at Bridgewater and Monson are hereby discontinued, and the buildings now occupied by them shall be used respectively for the purposes of the state workhouse and the state primary school; and, as soon as practicable, the inmates of the said state almshouses shall be transferred to the state almshouse at Tewksbury, in the manner provided by section four of chapter two hundred and forty of the acts of the year eighteen hundred and sixty-three.

State almshouses at Bridgewater and Monson discontinued, and used for a state workhouse and a state primary school; —inmates to be transferred to state almshouse at Tewksbury Towns may send state paupers to state almshouse at their own expense.

Proviso.

SECTION 2. The several cities and towns may, at their own expense, send to the state almshouse at Tewksbury, to be maintained at the public charge, all paupers who may fall into distress therein, not having a settlement within the Commonwealth: *provided*, that whenever the distance between such city or town and the state almshouse, by the usual route, exceeds thirty miles, the city or town shall be reimbursed by the Commonwealth, upon bills approved by the general agent of state charities, for the expense of transportation in excess of thirty miles, at a rate not exceeding three cents a mile, by the usual route, for each state pauper thus sent.

SECTION 3. The board of state charities may, from time to time, select for support at the state workhouse and the state primary school, any state paupers whose labor, in domestic or other service at those institutions, may contribute to the cost of their support, or whose maintenance at the same may, for special reasons, be deemed expedient; and in case of an emergency, it may cause any inmates of the state almshouse at Tewksbury, to be transported to the said institutions, there to be supported while the emergency continues: *provided*,

Board of state charities may transfer state paupers from the state almshouse to the state workhouse and state primary school.

Proviso.

nothing herein contained shall be construed to authorize the board of state charities to transfer any inmate of the state almshouse to the state workhouse as a punishment for crime.

Inspectors and
superintend-
ents continued
in office.

SECTION 4. The inspectors and superintendents of the state almshouses at Bridgewater and Monson are hereby continued in office, according to their present tenures, as inspectors and superintendents of the state workhouse and the state primary school respectively, and shall hereafter be designated as such respectively, and be appointed in the manner now provided for the appointment of the inspectors and superintendents of the state almshouses; and they shall have the same powers, and perform the same duties, and receive the same compensation, as are now provided in the case of the inspectors and superintendents of the state almshouses, except as are specially provided in the acts relating to the state workhouse and the state primary school.

Repeal.

SECTION 5. Section thirty-six of chapter seventy-one of the General Statutes is hereby repealed.

SECTION 6. This act shall take effect on the first day of May next.

Approved February 27, 1872.

Chap. 46.

AN ACT TO AMEND CHAPTER EIGHTY-THREE OF THE GENERAL STATUTES, IN RELATION TO THE SEIZURE OF VESSELS WITH SHELL-FISH ON BOARD.

Be it enacted, &c., as follows:

Repeal of Gen.
Stats. 83, § 14.

SECTION 1. Section fourteen of chapter eighty-three of the General Statutes is hereby repealed.

Amendment to
Gen. Stats. 83,
§ 15.

SECTION 2. Section fifteen of said chapter is hereby amended by striking out the word "four" in the first line and inserting in the place thereof the word "three."

SECTION 3. This act shall take effect upon its passage.

Approved February 27, 1872.

Chap. 47.

AN ACT TO ESTABLISH THE DIVIDING LINE BETWEEN DOVER AND WALPOLE.

Be it enacted, &c., as follows:

Dividing line
established be-
tween Dover
and Walpole.

SECTION 1. The dividing line between the towns of Dover and Walpole, is hereby established as follows, to wit: Beginning at the point where the northerly line of the road from Dedham to Medfield, as located by the county commissioners of the county of Norfolk, the third day of June, in the year eighteen hundred and sixty-two, crosses the westerly boundary line of the town of Dedham; thence running north-westerly, along the north-easterly line of said road, as so located, about one hundred and nineteen and a half rods, to a point opposite a stone monument, marked D. W., on the southerly side of said road; thence crossing over to said stone monument, at the southerly side of said road; thence run-

ning north-westerly, south-westerly and westerly, along the southerly line of said road, as so located, about two hundred and twelve and a half rods, to the easterly boundary line of the town of Medfield; and all the territory which has heretofore constituted a part of either of said towns of Dover or Walpole, which lies northerly of the line hereby established, shall hereafter constitute a part of said town of Dover; and all of said territory lying southerly of said line, shall hereafter constitute a part of said town of Walpole.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1872.

AN ACT TO CHANGE THE NAME OF THE "PARKS AND WADE CARPET COMPANY" OF PALMER. *Chap. 48.*

Be it enacted, &c., as follows:

SECTION 1. The corporate name of the "Parks and Wade Carpet Company" of Palmer is hereby changed to that of the "Parks Carpet Company." *Name changed.*

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1872.

AN ACT TO REVIVE AND CONTINUE IN FORCE AN ACT TO INCORPORATE THE HINGHAM AND COHASSET MUTUAL FISHING INSURANCE COMPANY. *Chap. 49.*

Be it enacted, &c., as follows:

SECTION 1. Chapter thirteen of the acts of the year one thousand eight hundred and fifty-two, entitled An Act to incorporate the Hingham and Cohasset Mutual Fishing Insurance Company, is revived, and shall be continued and remain in force from and after the twelfth day of February, in the year one thousand eight hundred and seventy-two; and said company shall continue to have and enjoy all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in all general laws, which now are or hereafter may be in force applicable to such corporations, in like manner and to the same effect, as if said act of incorporation had contained no limitation of time. *Charter revived and continued.*

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1872.

AN ACT TO INCORPORATE THE HOLLISTON SAVINGS BANK. *Chap. 50.*

Be it enacted, &c., as follows:

SECTION 1. William S. Batchelder, Thomas E. Andrews, William R. Thayer, Orrin Thompson, their associates and successors are hereby made a corporation by the name of the Holliston Savings Bank, to be established in the town of Holliston; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all gen- *Corporators.*
Name and purpose,
Powers and duties.

eral laws which now are or may hereafter be in force applicable to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1872.

Chap. 51. AN ACT TO EXTEND THE TIME FOR LOCATING THE MASSACHUSETTS CENTRAL RAILROAD.

Be it enacted, &c., as follows:

Time for location extended.

SECTION 1. The time for locating the Massachusetts Central Railroad from Stony Brook, westward, is hereby extended to the first day of June in the year one thousand eight hundred and seventy-four. And said company may file the location of its railroad in the county of Hampshire from some point on King street, in Northampton, to the easterly boundary of the town of Greenwich, there to connect with its location in the county of Worcester.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1872.

Chap. 52. AN ACT TO AUTHORIZE THE TOWN OF EVERETT TO RAISE ADDITIONAL FUNDS TO COMPLETE THEIR WATER WORKS.

Be it enacted, &c., as follows:

May raise money by taxation or loan to complete water works.

SECTION 1. The town of Everett is hereby authorized for the purposes mentioned in chapter two hundred and five of the acts of the year eighteen hundred and seventy-one, to raise by taxation, or by borrowing from time to time, an amount not exceeding fifty thousand dollars in addition to the amount therein authorized, upon like terms and conditions, and with like powers in all respects as are provided in said act for the raising of money.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1872.

Chap. 53. AN ACT TO AUTHORIZE THE FORMATION OF RAILROAD CORPORATIONS.

Be it enacted, &c., as follows:

Twenty-five persons, a majority being inhabitants of the state, may become a railroad corporation.

Powers and duties.

SECTION 1. Any number of persons, not less than twenty-five, a majority of them being inhabitants of this state, may associate themselves together by articles in writing, with the intention of forming a corporation for the purpose of locating, constructing, maintaining and operating a railroad for public use in the conveyance of persons and property; and, upon complying with the provisions of section ten of this act, shall, with their associates and successors, be and remain a corporation, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force

relating to railroad corporations, except as is herein otherwise provided.

SECTION 2. The articles of association shall set forth the name of the corporation; the termini of the railroad proposed to be built; its length, as near as may be, and the name of each city, town and county through or into which it will extend; and the gauge of the railroad, which shall be either four feet eight and a half inches or three feet; the amount of the capital stock of the corporation, which shall not be less than fifteen thousand dollars for each mile of road, when the gauge is four feet eight and a half inches, and not less than eight thousand dollars for each mile when the gauge is three feet, and divided into shares of one hundred dollars each; and the names of at least nine persons to act as a board of directors until others are chosen by the corporation. Each associate shall subscribe to the articles his name, residence, post-office address, and the number of shares of stock which he agrees to take; but no subscriber shall be bound to pay beyond ten per centum of the amount of his subscription, unless a corporation is duly established under the provisions of this act.

Articles of association to set forth gauge and termini of road and names of places into which it extends, etc.

Capital stock and shares.

Directors.

SECTION 3. The corporate name assumed shall be one not in use by any other railroad corporation in this state, shall contain the words "railroad company" at the end thereof, and shall be changed only by act of the legislature.

Corporate name not in use by another railroad.

SECTION 4. The directors shall be subscribers to the articles of association, and a majority of them shall be inhabitants of this state. They shall appoint a clerk to keep a record of their doings, and a treasurer, who shall hold their respective offices until a clerk and treasurer of the corporation are chosen. The directors shall fill any vacancy in their board, or in the office of clerk or treasurer, caused by resignation, death, or other disability.

Directors to be subscribers to articles of association, and a majority to be inhabitants of state;

—to appoint clerk and treasurer;
—to fill vacancies.

SECTION 5. The directors shall cause a copy of the articles of association to be published in one or more newspapers in each county in which the road is proposed to be located, at least once a week for three successive weeks, and also cause a copy of said articles to be posted in each city or town in which said road is proposed to be located, at least three weeks before proceeding to fix the route of said road. The sworn certificate of the clerk shall be evidence of the posting and publication.

Articles of association to be published in newspapers, and posted in towns where road is to be located.

SECTION 6. The directors shall prepare a map of the proposed route on an appropriate scale; with a profile thereof on a vertical scale of ten to one as compared with the horizontal scale; and with the report of a skilful engineer,

Map of route to be prepared together with a report of a skilful engineer.

based on actual examination and survey, showing the kind and amount of excavation, filling, bridging and masonry required, the number of highways and other railroads, if any, and of navigable streams and tide-waters to be crossed, and the manner of crossing the same, the general profile of the surface of the country through which the road will pass, the feasibility of the route, the manner of constructing the road, and a detailed estimate of the cost of construction.

Route of road through towns and cities may be agreed upon by directors and selectmen, etc.

SECTION 7. Whenever the selectmen of any town or the mayor and aldermen of any city named in the articles of association, after notice to parties interested within the town or city, exhibition of the map, and hearing, shall agree with the directors as to the proposed route or any route of their railroad in said town or city, such agreement shall be sufficient to fix the same; and said selectmen or mayor and aldermen shall sign a certificate of the same, setting forth said route, to be given to the directors.

If route is not agreed upon, it may be fixed by railroad commissioners.

SECTION 8. Whenever the directors fail to agree with the selectmen of any town or the mayor and aldermen of any city as to the route of their railroad in such town or city, said directors may petition the board of railroad commissioners to fix the route in said town or city, who, after due notice to said selectmen or mayor and aldermen, shall hear the parties and fix the route in such town or city. Said board shall make a certificate setting forth the route as fixed by them; and the same shall be certified by the clerk of said board to the directors. The costs of the petition shall be paid by the directors. All variations from the route first proposed shall be made upon the map.

Variations from first route to be made upon map. When capital stock required has been subscribed for and ten per cent. paid in cash, certificates thereof and of publication, etc. to be presented to railroad commissioners.

SECTION 9. When the amount of capital stock named in section two has been subscribed to the articles of association in good faith by responsible parties, and at least ten per centum of the par value of each and every share thereof actually paid in cash to the treasurer of the association, the directors, clerk and treasurer shall endorse upon the articles of association, or annex thereto, their certificate, setting forth these facts, and that it is intended in good faith to locate, construct, maintain and operate the railroad fixed as aforesaid, and shall also annex to said articles said certificate of publication and the several certificates fixing the route of said railroad, and shall present the same to the railroad commissioners, together with the map and report of the engineer for their inspection; and said map shall be deposited with said commissioners.

Articles of association to be certified by

SECTION 10. Whenever it is shown to the satisfaction of the board of railroad commissioners that the requirements

of this act preliminary to the establishment of the corporation have been complied with, the clerk of said board, upon their order, shall endorse upon the articles of association or annex thereto, a certificate, setting forth the fact that the requirements of the law appear to have been complied with. The directors shall thereupon file the articles of association, with all the certificates endorsed thereon or annexed thereto, in the office of the secretary of the Commonwealth; who, upon the payment to him of fifty dollars, shall record the same in a book to be kept for that purpose, and shall issue a certificate substantially in the following form:—

commissioners
when the law
has been com-
plied with;

—to be filed in
office of secre-
tary of the
Commonwealth
together with
all certificates.

Fee for record-
ing.

COMMONWEALTH OF MASSACHUSETTS.

Be it known that whereas [names of the subscribers to the articles of association] have associated themselves with the intention of forming a corporation under the name of the [name of the corporation] for the purpose of locating, constructing, maintaining and operating a railroad [description of the road as in the articles of association] and have complied with the statutes of this Commonwealth in such cases made and provided: now, therefore, I, [name of the secretary] secretary of the Commonwealth of Massachusetts, do hereby certify that the persons aforesaid, their associates and successors, are legally established as a corporation, under the name of the [name of the corporation], with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to railroad corporations

Form of certifi-
cate to be issued
by the secre-
tary.

In witness whereof, I have hereunto subscribed my official signature, and affixed the seal of said Commonwealth, this day of in the year [Day, month and year].

The certificate, so executed, shall be recorded with the articles of association; and the original certificate, or a duly certified copy of the record thereof, shall be conclusive evidence of the establishment of the corporation at the date of such certificate. All moneys received by the secretary under this section, shall be included in his quarterly returns of fees, and paid into the treasury.

SECTION 11. The first meeting of the corporation shall be called by a notice signed by a majority of the directors, stating the time, place and purpose of such meeting; and the clerk shall, seven days at least before the day appointed therefor, deliver to each subscriber, or leave at his usual place of business or residence, or deposit in the post-office, prepaid, and directed to him at his post-office address, a copy of such notice. The clerk shall make an affidavit of his doings in regard thereto, which shall be recorded with the records of the corporation.

First meeting
of corporation.

SECTION 12. Such corporation may enter with its railroad upon, unite with and use any other railroad which it may

May enter upon
and unite with
other roads.

May cross roads at grade, etc., only as railroad commissioners approve.

May cross navigable waters, subject to approval of harbor commissioners.

Location of road may be changed by county commissioners, if any party is unnecessarily damaged.

Compensation of commissioners, how paid, etc.

Map, profile, etc., to be filed in office of secretary within one year after completion of road.

Capital stock may be increased; certificates thereafter be filed with secretary.

cross or meet, subject to the provisions of law; but such railroad shall not in any case cross at grade any other railroad; nor shall it be constructed across an existing railroad except in such manner as shall be approved by the board of railroad commissioners, nor across navigable or tide-waters, except with the approval of the board of harbor commissioners, and in such manner as shall be approved by the last-named board.

SECTION 13. Whenever any party is aggrieved by the location of such railroad, by reason of its crossing his land in such manner as to be of grievous damage, when such damage could be avoided without serious injury to others, such party shall have the right, within thirty days after having been furnished with the plan required by law, of his land taken for the construction of the road, to petition the county commissioners of the county where the land lies, who shall give due notice and hear the parties. And if it shall appear that such location will greatly and unnecessarily damage the complainant, and that the same can be changed so as to avoid such damage, in whole or in part, without material detriment to the line of the railroad, and without great injury to other parties, the commissioners shall change such location accordingly. Said commissioners shall hear the parties, either at their regular meeting or at a meeting called by their chairman for the purpose, and shall make and give to each party a certificate of their determination in the premises, within sixty days after receiving the petition. The compensation of said commissioners, which shall not exceed five dollars per day, their necessary expenses and the costs of the petition, shall be paid by the corporation, unless the commissioners shall decide that the petition was frivolous, in which case such compensation, expenses and costs shall be paid by the petitioner. And such compensation and expenses of the commissioners shall be retained by them to their own use.

SECTION 14. Within one year after its road is completed and put in operation, the corporation shall cause a map and profile thereof, with tables of grade and curvature, and a statement of the other characteristics of the road, in such form as the board of railroad commissioners may prescribe, to be certified by its president and engineer, and filed in the office of the secretary of the Commonwealth.

SECTION 15. If the capital stock of the corporation is found to be insufficient for the construction or equipment of its road, the directors, upon being authorized by a majority of the votes at a meeting of the stockholders called for the

purpose, may increase the same from time to time, to the amount necessary for the purposes aforesaid, a certificate of which shall be filed with the secretary of the Commonwealth.

SECTION 16. Whenever the corporation does not begin the construction of its road and expend thereon at least ten per centum of the amount of its original capital stock, within two years after the date of the certificate of its establishment, and does not complete and put in operation its road within four years after said date, its corporate powers and existence shall cease.

Construction of road to be commenced within two years and to be completed within four years.

SECTION 17. No other railroad corporation shall subscribe for, take or hold any stock or bonds of any railroad corporation organized under this act, whether directly or indirectly, unless specially authorized by the legislature.

Stock and bonds not to be held by another railroad corporation, except by authority of legislature.

SECTION 18. The provisions of this act, and the franchises, rights, powers, privileges, duties and liabilities of railroad corporations established under this or any other general act, may be altered, amended or repealed, and the legislature may annul or dissolve any such corporation.

Provisions of this act, and franchises, etc., established under it, may be altered or annulled by legislature.

SECTION 19. This act shall take effect upon its passage.

Approved February 28, 1872.

AN ACT TO EXTEND THE TIMES FOR COMMENCING AND COMPLETING
THE CAPE COD SHIP CANAL.

Chap. 54.

Be it enacted, &c., as follows:

SECTION 1. The times fixed by chapter thirty-six of the acts of the year eighteen hundred and seventy, for commencing and completing the Cape Cod Ship Canal are hereby extended three years.

Times for commencing and completing extended.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1872.

AN ACT IN ADDITION TO AN ACT CONCERNING THE DRAW IN CHARLES
RIVER BRIDGE.

Chap. 55.

Be it enacted, &c., as follows:

SECTION 1. The draw required in Charles River Bridge under the provisions of chapter two hundred and seventy-two of the acts of the year eighteen hundred and sixty-nine, shall have a clear opening of thirty-six feet in width, instead of forty-four feet as provided in said act.

Draw in Charles River Bridge to have clear opening of thirty-six feet, 1869, 272.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1872.

AN ACT TO INCORPORATE THE MINERS' SAVINGS BANK OF WEST
STOCKBRIDGE.

Chap. 56.

Be it enacted, &c., as follows:

SECTION 1. John J. Loughson, George W. Kniffin, Lawrence Moffat, their associates and successors, are hereby made

Corporators.

Name and purpose.

Powers and duties.

a corporation by the name of the Miners' Savings Bank of West Stockbridge, to be located in West Stockbridge; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1872.

Chap. 57. AN ACT TO AUTHORIZE NICHOLAS VARINA TO EXTEND HIS WHARF IN NEWBURYPORT.

Be it enacted, &c., as follows:

May extend wharf in Newburyport.

SECTION 1. Nicholas Varina of Newburyport, is hereby licensed to extend his wharf on Merrimack River, in Newburyport, not exceeding fifteen feet into the stream, the exact limits of such extension to be prescribed by the harbor commissioners, subject to section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1872.

Chap. 58. AN ACT TO AUTHORIZE DANIEL W. FULLER TO CONSTRUCT A WHARF IN MAGNOLIA VILLAGE IN GLOUCESTER.

Be it enacted, &c., as follows:

May construct wharf in Gloucester.

SECTION 1. License is hereby granted to Daniel W. Fuller to build a wharf at Magnolia Village in Gloucester, from his own land, within such limits as the harbor commissioners shall prescribe, subject to section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1872.

Chap. 59. AN ACT TO AUTHORIZE JAMES DAMON AND WILLIAM G. BROWN TO EXTEND THEIR WHARVES IN IPSWICH RIVER.

Be it enacted, &c., as follows:

May extend wharves on Ipswich River.

SECTION 1. License is hereby given to James Damon and William G. Brown to extend their respective wharves on Ipswich River, within such limits as the harbor commissioners may determine and direct: *provided*, that all things done under this act shall be subject to the provisions of the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and of chapter four hundred

Proviso 1866,
149, § 4; 1869,
482.

and thirty-two of the acts of the year eighteen hundred and sixty-nine, so far as applicable.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1872.

AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE VERMONT AND MASSACHUSETTS RAILROAD AND FOR OTHER PURPOSES.

Chap. 60.

Be it enacted, &c., as follows:

SECTION 1. The time of locating any railroad under the provisions of an act entitled "An Act authorizing the Vermont and Massachusetts Railroad Company to construct and maintain tracks on the line of their railroad and for other purposes," passed May twenty-sixth, in the year eighteen hundred and sixty-nine, is hereby extended three years, and the time for constructing the same five years, each, from the passage of this act.

Time for location extended.

SECTION 2. The Vermont and Massachusetts Railroad Company is hereby authorized to issue bonds not exceeding fifteen hundred thousand dollars in amount, payable at such times as may be fixed therein, not exceeding twenty years from their respective dates, with interest not exceeding seven per centum per annum, payable semi-annually, and with the right to the holder to convert such of said bonds as are so designated, at the holder's option, into the capital stock of said company at the par value of said stock and bonds, at such time, and on such terms, as may be fixed in said bonds: *provided*, that any or all of said bonds may be issued without such right of conversion.

\$1,500,000 in bonds may be issued, convertible into stock at holder's option.

Proviso.

SECTION 3. Said company is hereby authorized, in connection with the location and construction of the railroad between Turner's Falls and Grout's Corner, authorized by chapter two hundred and seventy-one of the laws of the year eighteen hundred and seventy, to change its location from a point east of Grout's Corner, for a distance not exceeding two miles, for the purpose of avoiding one or more of its bridges over Miller's River, and also to change the location of its railroad in the town of Montague, and in the easterly part of Deerfield: *provided*, that such change shall not be made unless by previous consent of the town of Montague, given at a meeting called for the purpose.

Location of road may be changed.

Proviso.

SECTION 4. Said company is hereby authorized to increase its capital stock to an amount not exceeding fifteen hundred thousand dollars, no part of which shall be issued at less than the par value thereof: *provided*, that the whole amount of stock and bonds issued, under this act, shall not exceed said sum of fifteen hundred thousand dollars.

\$1,500,000 additional capital stock.

Proviso.

Approved February 28, 1872.

Chap. 61.**AN ACT TO INCORPORATE THE TOWN OF HOLBROOK.***Be it enacted, &c., as follows:*

Town of Holbrook incorporated.
Territorial limits.

SECTION 1. All the territory now within the town of Randolph, in the county of Norfolk, comprised within the following limits, that is to say: beginning at the stone monument in the line between said Randolph and the town of Braintree, on the easterly side of Tumbling Brook; thence, taking a south-westerly course, in a straight line, to a point six feet westerly from the north-westerly corner in range of the northerly side of the so-called East Randolph station-house of the Old Colony and Newport Railroad Company; thence, the same or other south-westerly course to a point on the town line dividing Randolph and Stoughton, one hundred and fourteen rods south-easterly from the town stone monument in said last mentioned dividing line, at the southerly terminus of Main street in said Randolph; thence, south-easterly, north-easterly, northerly and westerly as the present dividing line between said Randolph and Stoughton, North Bridgewater, Abington, Weymouth and Braintree runs, to the first-mentioned bound, is hereby incorporated into a town by the name of Holbrook; and said town of Holbrook is hereby invested with all the powers, privileges, rights and immunities, and is subject to all the duties and requisitions to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Inhabitants to pay to Randolph arrears of taxes, also proportion of county and state taxes until next state valuation.

SECTION 2. The inhabitants of said town of Holbrook shall be holden to pay all arrears of taxes which have been legally assessed upon them by the town of Randolph, and all taxes heretofore assessed and not collected, shall be collected and paid to the treasurer of the town of Randolph in the same manner as if this act had not been passed; and also their proportion of all county and state taxes that may be assessed upon them previously to the taking of the next state valuation, said proportion to be ascertained and determined by the last valuation in the said Randolph.

Liability for support of paupers.

SECTION 3. Said towns of Randolph and Holbrook shall be respectively liable for the support of all persons who now do or shall hereafter stand in need of relief as paupers, whose settlement was gained by or derived from a settlement gained or derived within their respective limits; and the town of Holbrook shall also pay annually to the town of Randolph one-third part of all costs of the support or relief of those persons who now do or shall hereafter stand in need of relief or support as paupers, and have gained a settlement in said town of Randolph, in consequence of the military services of themselves or those through whom they derive their settlement.

SECTION 4. The corporate property belonging to the town of Randolph at the date of the passage of this act, and the public debt of the said town existing at said date, shall be divided between the towns of Randolph and Holbrook according to the valuation of the property within their respective limits as assessed May first, in the year eighteen hundred and seventy-one; and said town of Holbrook shall receive from said town of Randolph a proportionate part of whatever amount may hereafter be refunded to said town of Randolph from the state or United States, to reimburse said town of Randolph for bounties to soldiers, or state aid paid to soldiers' families after deducting all reasonable expenses; and said town of Holbrook shall bear the expense of making the survey and establishing the line between said towns of Randolph and Holbrook.

Division of corporate property and debts.

Reimbursement for state aid and bounties to soldiers, etc.
Holbrook to pay for surveying and establishing dividing line.

SECTION 5. In case said towns of Randolph and Holbrook shall not agree in respect to a division of property, debts, or state or county taxes, the superior court for the county of Norfolk shall, upon the petition of either town, appoint three competent and disinterested persons to hear the parties and award thereon; and their award or the award of any two of them, being accepted by said court, shall be final. In making said award, said commissioners shall assign the real estate belonging to the town of Randolph, at the time of the passage of this act, to the town within which said estate shall be situated, so far as such a division shall be practicable.

If division of property and debts is not agreed upon, award to be made by commissioners appointed by superior court.

SECTION 6. The town of Holbrook, until otherwise provided by law, shall continue to be a part of the second congressional district, of the second councillor district, of the third Norfolk senatorial district and of the ninth Norfolk representative district, and the voters of the town of Holbrook shall vote for representatives to congress, senators and representatives to the general court and members of the council, in said town of Holbrook, at meetings legally called for that purpose; and the clerk of the town of Holbrook shall make returns and meet with the clerk of the town of Randolph, for the purpose of ascertaining the result of the election of representatives for said ninth Norfolk representative district, and making certificates of the same, at noon on the day following said election, at the town clerk's office in said Randolph.

State and national election districts.

SECTION 7. Any justice of the peace within and for the county of Norfolk, may issue his warrant, directed to any inhabitant of the town of Holbrook, requiring him to notify and warn the inhabitants thereof qualified to vote in town affairs, to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are

First meeting for election of town officers.

List of voters to be furnished by selectmen of Randolph to presiding officer of meeting.

by law authorized and required to choose at their annual meetings; and said warrant shall be served by publishing a copy thereof in some newspaper printed in the town of Randolph, and by posting up copies thereof, all attested by the person to whom the same is directed, in three public places in said town of Holbrook, seven days at least before such time of meeting. Such justice, or, in his absence, such inhabitant required to notify the meeting, shall preside until the choice of moderator in said meeting. The selectmen of the town of Randolph shall, before said meeting, prepare a list of voters in said town of Holbrook qualified to vote at said meeting, and shall deliver the same to the person presiding at such meeting before the choice of a moderator thereof.

SECTION 8. This act shall take effect upon its passage.

Approved February 29, 1872.

Chap. 62.

AN ACT TO SUPPLY THE TOWN OF HOLYOKE WITH PURE WATER.

Be it enacted, &c., as follows:

Holyoke may supply itself with pure water, establish hydrants and collect rents for use of water.

SECTION 1. The town of Holyoke may supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses, and may establish public fountains and hydrants, and regulate their use, and may discontinue the same, and may collect such rents as may be fixed for the use of such water.

May take water from Ashley's and Wright's ponds.

SECTION 2. Said town, for the purposes aforesaid, may take and hold the entire waters of Ashley's and Wright's ponds, so called, in said town, and the waters which flow into and from the same, and also the waters of such brooks as may be conveniently diverted and conducted into said ponds; and may also take and hold, by purchase or otherwise, all necessary lands for raising, flowing, holding, diverting, conducting and preserving such waters, and conveying the same to any and all parts of said town, and may erect thereon proper dams, reservoirs, buildings, fixtures and other structures, and make excavations and embankments, and procure and run machinery therefor; and for such purposes may construct and lay down conduits, pipes and drains in, under or over any lands, water-course, canals or railroad, and along any street, highway, alley or other way other than a railway, in such manner as not to unnecessarily obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other proper purposes of this act, may draw off the water from any canal in the manner hereinafter provided, and may dig up, raise and embank any such lands, street, highway,

May take and hold land.

May construct conduits and drains.

May dig up and raise highways.

alley or other way, in such manner as to cause the least hindrance to travel thereon; but all things done upon any railroad shall be subject to the direction of the county commissioners for the county of Hampden: *provided*, that within ninety days after the time of taking any lands, ponds or water-courses as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the county of Hampden, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the water commissioners hereinafter named: *also provided*, that no conduits, pipes or drains shall be placed over the canals or raceways, now built or hereafter to be built, without a clear spaceway of at least five feet for the passage of boats between such conduits, pipes or drains and the top or surface water-line of the canals when full, and no conduits, pipes or drains shall be laid so as to obstruct the free flow of water in such canals or raceways; and *provided*, that no water shall be drawn from, or work done in, over or under the canals or raceways of the Holyoke Water Power Company, excepting under the joint approval and direction of the Holyoke Water Power Company and the town of Holyoke. In case said Holyoke Water Power Company and said town are unable to agree as to the time and manner of drawing the water from said canals, or of constructing the pipes in, over or under said canals and raceways, or of repairing the same, any justice of the supreme judicial court is hereby authorized, in vacation or term time, upon petition by either of said parties, and upon such notice to the other party as he may order, to appoint a suitable engineer to superintend the construction and repair of said pipes in, under or over said canals or raceways, and the engineer so appointed shall have power to do all things necessary for the proper construction and repair of the conduits, pipes and drains in, under or over said canals or raceways.

Proviso.

Proviso.

Water not to be drawn from, or work done in, over or under, the canals, etc., of Holyoke Water Power Co., except under joint approval of company and town of Holyoke.

SECTION 3. The town of Holyoke shall be liable to pay all damages sustained by any persons or corporation in their property by the taking of any lands, water, water-sources, or water-rights, or by the construction or repairing of any dams, aqueducts or other works, for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, they may be assessed by the county commissioners for the county of Hampden by making a written application therefor within one year after sustaining such damages; and either party aggrieved by the doings of said commissioners in the estimation of said damages, may have the same settled by a

Liability for damages.

jury, and if the damages are increased by the jury the town shall pay all legal costs, but otherwise the said costs shall be paid by the party claiming damages; and the said commissioners and jury shall have the same powers, and the proceedings shall in all other respects be conducted in the same manner, as provided in case of taking land for highways.

Holyoke water bonds not exceeding \$250,000 may be issued.

SECTION 4. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town may issue coupon bonds, signed by the treasurer, and countersigned by the chairman of selectmen of said town, to be denominated "Holyoke Water Bonds," to an amount not exceeding two hundred and fifty thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi annually at a rate not exceeding six per centum per annum; and said town may sell said bonds at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, and may raise money by taxation to pay said bonds and interest thereon when due; but said town shall not raise more than ten thousand dollars in any one year to pay the principal of said bonds, except the year in which the same may become due.

May raise money by taxation to pay bonds and interest.

Water commissioners to consist of town treasurer and six persons to be elected by ballot.

SECTION 5. The treasurer of said town, *ex officio*, and six persons to be elected by ballot by the inhabitants, as hereinafter provided, shall form a board of water commissioners, who shall execute, superintend and direct the performance of all the works, matters and things mentioned in this act, and exercise all the rights, powers and privileges hereby granted, and not otherwise specifically provided for herein, subject to the vote of said town.

To be elected for terms of one, two and three years.

SECTION 6. At any special or annual meeting of the inhabitants of said town, called for the purpose, one-third of said board of water commissioners shall be elected for a term ending one year, one-third for a term ending two years, and one-third for a term ending three years from the next succeeding annual town meeting, after which first election one-third of said board, as their term expires, shall be elected at the annual town meeting for the term of three years. The said commissioners shall receive such salaries or compensation as the said town by vote may prescribe, and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act.

Compensation to be fixed by vote of the town.

Commissioners to establish rates for use of water.

SECTION 7. Said water commissioners shall establish such prices or rents for the use of the water, as to provide annually, if practicable, from the net income and receipts therefor, for the payment of the interest of the "Holyoke Water

Bonds," and also after three years from the introduction of the water into said town, for the further payment of not less than one per centum of the principal of said bonds. The net surplus income and receipts, after deducting all expenses, interest and charges of distribution, shall be set apart as a sinking fund, and applied solely to the payment of the principal of said bonds until the same are fully paid and discharged. Said water commissioners shall be trustees of said fund, and shall annually, and as often as said town may require, render an account of all their doings in relation thereto.

To set apart surplus income as a sinking fund and be trustees thereof.

SECTION 8. At any time after the expiration of three years from the introduction of said water into said town, and before the reimbursement of the principal of the Holyoke water bonds, if the surplus income and receipts for the use of the water distributed under this act, at the price established by the water commissioners, after deducting all expenses and charges of distribution, shall for any two successive years, be insufficient to pay the accruing interest on the said bonds, and the one per centum to the sinking fund as aforesaid, then the supreme judicial court, or any justice thereof, on the petition of sixty or more of the legal voters of the said town, praying that the said price may be increased so far as may be necessary for the purpose of paying, from the said surplus income and receipts the said accruing interest and the said one per centum to the sinking fund, and upon due notice of the pendency of such petition, given to said town, in such manner as the said court shall order, may appoint three commissioners, who upon due notice to the parties interested, may raise and increase the said price if they shall judge proper, so far as may be necessary for the purpose aforesaid, and no further, and the award of said commissioners or the major part of them, being returned to the said court at the next term thereof for the county of Hampden, and accepted by the said court, shall be binding and conclusive for the term of three years next after the said acceptance, and until the prices so fixed shall, after said term, be changed by the said water commissioners or by said town.

If the established rates are insufficient to meet the required payments for interest, etc., they may be increased by commissioners to be appointed by the S. J. C.

SECTION 9. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and also the owner thereof shall be liable, if on being notified of such use he does not object thereto.

Occupant of tenement to pay for water, also the owner, if upon notice he does not object to its use.

SECTION 10. Any person who shall use any of said water without the consent of said town, or who shall wantonly or maliciously divert the water, or any part thereof, taken, held or used under the provisions of this act, or who shall wantonly or maliciously corrupt the same, or render it impure,

Penalty for using water without consent, or for maliciously diverting or corrupting the same.

or who shall wantonly or maliciously destroy or injure any dam, conduit, aqueduct, pipe or hydrant, or other property, real or personal, held, owned or used by the said town for the purposes of this act, shall pay three times the actual damage to said town, to be recovered by an action of tort. Any such person, on conviction of either of the wanton or malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both said penalties.

Holyoke Water Power Company may within two years after introduction of water by town, take up pipes laid by them within said town. Proviso.

SECTION 11. The Holyoke Water Power Company may, at any time within two years after the introduction of water for use by the town, as aforesaid, take up or remove any water-pipes, or connections therewith, now owned or laid by them in or upon any highway, street or alley in said town: *provided*, that before commencing the removal of said pipes the said Holyoke Water Power Company shall give a bond in the sum of ten thousand dollars to said town, conditioned to replace said streets in as good condition as they were before said removal, and to save said town harmless from all damages to travellers on said highways and alleys, by reason of any defect therein, caused by digging up said ways as aforesaid.

Subject to acceptance by majority vote of the town at meeting to be held within one year.

SECTION 12. This act shall be void unless accepted by a majority of the legal voters of the town of Holyoke, present and voting thereon, at a legal meeting held for the purpose within one year from the time this act goes into effect.

SECTION 13. This act shall take effect upon its passage.

Approved March 7, 1872.

Chap. 63. AN ACT TO AUTHORIZE THE LAWRENCE GAS COMPANY TO INCREASE ITS CAPITAL STOCK.

Be it enacted, &c, as follows:

\$200,000 additional capital stock.

SECTION 1. The Lawrence Gas Company is hereby authorized to increase its capital stock, by an amount not exceeding two hundred thousand dollars, in addition to the amount heretofore authorized by law, at such times, and in such sums as the stockholders may determine, to be divided into shares of one hundred dollars each, and subject to the provisions contained in section one of chapter one hundred and seventy-nine, of the acts of the year eighteen hundred and seventy.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1872.

Chap. 64. AN ACT TO INCORPORATE THE NORTH AVENUE SAVINGS BANK, OF CAMBRIDGE.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Samuel F. Woodbridge, William Fox Richardson, Cornelius Dorr and Jonas C. Wellington, their asso-

ciates and successors, are hereby made a corporation by the name of the North Avenue Savings Bank, to be established on the territory now known as the fifth ward of the city of Cambridge; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to institutions for savings.

Name and purpose.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1872.

AN ACT TO AUTHORIZE FREDERIC TUDOR AND WILLIAM TUDOR TO CONSTRUCT A WHARF AT BLACK ROCK IN NAHANT.

Chap. 65.

Be it enacted, &c., as follows:

SECTION 1. Frederic Tudor of Boston, and William Tudor of Nahant are hereby licensed to construct a wharf at Black Rock in Nahant, the limits of said wharf to be prescribed by the harbor commissioners, subject to section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

May construct wharf at Black Rock in Nahant.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1872.

AN ACT TO AUTHORIZE GEORGE M. COOK, WILLIAM JORDAN AND RANDALL G. MORSE TO BUILD WHARVES ON NEPONSET RIVER AND MILL CREEK, IN BOSTON.

Chap. 66.

Be it enacted, &c., as follows:

SECTION 1. License is hereby given to George M. Cook, William Jordan and Randall G. Morse, to build wharves on Neponset River and Mill Creek, within such limits as the harbor commissioners may determine and direct: *provided*, that all things done under this act shall be subject to the provisions of the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, so far as applicable.

May extend wharves on Neponset River and Mill Creek.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1872.

AN ACT TO EXTEND THE TIME FOR ORGANIZING THE AMHERST GAS LIGHT COMPANY.

Chap. 67.

Be it enacted, &c., as follows:

SECTION 1. The time for organizing the Amherst Gas Light Company, at Amherst, is hereby extended to the

Time for organizing extended.

twenty-third day of March in the year eighteen hundred and seventy-four.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1872.

Chap. 68.

AN ACT TO ABOLISH THE MASSACHUSETTS NAUTICAL SCHOOL, AND IN REFERENCE TO COMMITMENTS TO THE STATE REFORM SCHOOL.

Be it enacted, &c., as follows:

Governor may discontinue use of vessel in service of Nautical School and sell the same.

SECTION 1. The governor is authorized to discontinue the use of the vessel now in the service of the Massachusetts Nautical School, and with the consent of the council, to sell said vessel at any time after the first day of July, in the year eighteen hundred and seventy-two, and pay the proceeds of such sale into the state treasury.

Trustees to transfer boys to Reform School at Westboro'.

SECTION 2. The trustees of the Massachusetts Nautical School, upon notice to them from the governor in writing of his intention to discontinue the use of said vessel, shall, at such times prior to the first day of July, eighteen hundred and seventy-two, as he shall deem expedient, transfer the boys upon the said vessel to the State Reform School at Westborough, or otherwise dispose of them as is now provided by law; and they shall thereupon, with his approval, discharge those officers whose services are no longer required. The boys thus transferred shall be held in the State Reform School during the period of sentence, unless sooner discharged as provided by law, and the trustees thereof shall have the same powers in relation to such boys and others committed to the Massachusetts Nautical School and not discharged therefrom prior to such transfer, as now belong to them in relation to boys committed to the State Reform School.

Current expenses of school, and expenses of sale of vessel.

SECTION 3. The governor may draw upon the appropriation for the current expenses of said school for such sum as may be necessary to pay for the custody of the vessel after such discontinuance, and for the expenses of the sale thereof.

No further commitments to be made to Nautical School.

SECTION 4. No further commitments to the Massachusetts Nautical School shall be made after the passage of this act, and said school shall be abolished when the provisions of the preceding sections are complied with.

Boys between ages of seven and seventeen years may be sentenced to Reform School.

SECTION 5. Boys convicted of offences for which they may be sentenced to the State Reform School, unless otherwise disposed of as provided by law, may, if between the ages of seven and seventeen years, be sentenced to the said institution, or to such other punishment as is provided for the offence.

SECTION 6. On application of any three of the trustees of the State Reform School, the board of state charities may cause any boys committed to said school to be transferred, with the mittimus, to the State Primary School, there to be held upon said mittimus till the term of sentence expires, unless sooner discharged, in the manner now provided for discharge from the State Primary School; and the order of removal, signed by the secretary of the board of state charities, may be executed by the superintendent of the said State Reform School, by the general agent of the board of state charities, or one of his deputies, by any sheriff, deputy-sheriff, any constable of the Commonwealth, or other constable, or any police officer; and the said board may, upon application of the trustees of said primary school, at any time in its discretion, cause said boys, so transferred under its order, to be returned to the State Reform School, there to be held, as if no such transfer had been made.

Board of state charities upon application of trustees of Reform School, transfer boys to the State Primary School.

Boys may be returned to State Reform School.

SECTION 7. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

Approved March 7, 1872.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN MENDON AND BELLINGHAM.

Chap. 69.

Be it enacted, &c., as follows:

SECTION 1. The line between the towns of Mendon and Bellingham, between the points hereinafter named, shall be established as follows, to wit: beginning at a stone monument standing upon the line between the towns of Mendon and Bellingham, marking the site of an ancient tree, formerly known and described as Dedham tree; thence north from said monument eight degrees and ten minutes east to the centre of Charles River; thence up said river to the point where the north-easterly corner of the town of Mendon and the south-easterly corner of the town of Milford intersect.

Boundary line established between Mendon and Bellingham.

SECTION 2. This act shall take effect upon its passage.

Approved March 7, 1872.

AN ACT TO AUTHORIZE THE SELECTMEN OF EDGARTOWN TO BRIDGE SENCHEKONTUCKET OPENING.

Chap. 70.

Be it enacted, &c., as follows:

SECTION 1. The selectmen of Edgartown are hereby authorized to lay out and construct a free bridge over the outlet to Senchekontucket Pond, and also to construct a dam or bridge across the outlet or easterly arm of Farm Pond, as a public highway leading from Edgartown to Eastville, in said town. All things done under this act shall be subject to the provisions of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four

Selectmen may construct free bridge in Edgartown.

hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, so far as the same may be applicable.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1872.

Chap. 71. AN ACT TO REVIVE THE CABOT BANK OF CHICOPEE FOR CERTAIN PURPOSES.

Be it enacted, &c., as follows:

Charter revived to enable president and directors to convey real estate.

SECTION 1. The corporation heretofore known as the President, Directors and Company of the Cabot Bank, and located in Chicopee, is hereby revived and continued for the purpose of enabling the president and directors of said Cabot Bank, at the time when the same became an association for the carrying on the business of banking under the laws of the United States, to convey, assign and transfer to the First National Bank of Chicopee, any real estate or interests therein of said Cabot Bank, and for no other purpose whatever.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1872.

Chap. 72. AN ACT TO AUTHORIZE ABEL STORY TO CONSTRUCT A WHARF IN ESSEX.

Be it enacted, &c., as follows:

May construct wharf in Essex.

SECTION 1. License is hereby given to Abel Story to construct and maintain a wharf from his own land in Essex, the location, width and extent to be determined by the harbor commissioners, and subject to the provisions of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, so far as applicable.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1872.

Chap. 73. AN ACT TO EXTEND THE TIME FOR THE CONSTRUCTION OF THE LEE AND NEW HAVEN RAILROAD.

Be it enacted, &c., as follows:

Time for construction extended.

SECTION 1. The time for the construction of the railroad of the Lee and New Haven Railroad Company is hereby extended to the fifth day of June in the year eighteen hundred and seventy-five.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1872.

Chap. 74. AN ACT TO EXTEND THE TIMES FOR THE LOCATION AND CONSTRUCTION OF THE SPRINGFIELD AND LONGMEADOW RAILROAD.

Be it enacted, &c., as follows:

Time for location and construction extended.

SECTION 1. The time for the location and construction of the Springfield and Longmeadow Railroad is hereby ex-

tended two years from the tenth day of March, in the year eighteen hundred and seventy-two.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1872.

AN ACT TO EXTEND THE TIMES FOR THE LOCATION AND CONSTRUCTION OF THE AMESBURY RAILROAD.

Chap. 75.

Be it enacted, &c., as follows:

SECTION 1. The time allowed to locate the Amesbury Railroad is hereby extended to the first day of April, in the year eighteen hundred and seventy-three; and the time to construct the same to the first day of April, in the year eighteen hundred and seventy-four.

Time for location extended.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1872.

AN ACT TO REVIVE THE CHARTER OF THE MERRIMACK STREET RAILWAY COMPANY, AND TO EXTEND THE TIMES FOR THE LOCATION AND COMPLETION OF THE ROAD.

Chap. 76.

Be it enacted, &c., as follows:

SECTION 1. Chapter three hundred and twenty of the acts of the year eighteen hundred and seventy is hereby revived and continued in force; and the times for the location and construction of the railroad of the company thereby incorporated, is extended for a term of two years from the passage of this act.

Charter revived and times for location and construction extended.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1872.

AN ACT TO INCREASE THE SALARY OF THE JUSTICE OF THE POLICE COURT OF FALL RIVER.

Chap. 77.

Be it enacted, &c., as follows:

SECTION 1. The justice of the police court of Fall River shall hereafter receive an annual salary of eighteen hundred dollars.

Salary of justice of police court of Fall River.

SECTION 2. This act shall take effect on the first day of July next.

Approved March 8, 1872.

AN ACT TO AUTHORIZE THE NORTH END SAVINGS BANK TO CHANGE ITS LOCATION.

Chap. 78.

Be it enacted, &c., as follows:

SECTION 1. Section one of chapter twenty-four of the acts of the year eighteen hundred and seventy, incorporating the North End Savings Bank, is hereby so amended that said bank may be located northerly of Court street in the city of Boston.

Location of bank may be changed.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1872.

Chap. 79.**AN ACT TO SUPPLY THE CITY OF LAWRENCE WITH WATER.***Be it enacted, &c., as follows :*

Lawrence may
supply itself
with water
from Merri-
mack River.

SECTION 1. The city of Lawrence is hereby authorized to take, hold and convey into and through said city from the Merrimack River, at any point thereof within said city or within the town of Methuen that may be deemed expedient, sufficient water for the use of said city and the inhabitants thereof, for the extinguishment of fires, creating steam, domestic and other purposes; and may also take and hold, by purchase or otherwise, land in said Methuen or Lawrence for sinking wells or making excavations in order to obtain water by filtration or percolation, or from subterranean streams, and for the construction of such works as may be necessary therefor; as also for laying and maintaining aqueducts or pipes, constructing and maintaining reservoirs or canals, and such other works as may be deemed necessary or proper for conveying, raising, forcing, retaining, distributing or disposing of said water.

To file descrip-
tion of lands in
registry of
deeds.

SECTION 2. The city of Lawrence shall, within sixty days from the time they shall take any lands for the purpose of this act, file in the office of the registry of deeds for the northern district of Essex, a description of the lands so taken, as certain as is required in a common conveyance of lands, and a statement of the purposes for which they were taken, which description and statement shall be signed by the mayor of said city.

May make
aqueducts and
maintain reser-
voirs and hy-
drants.

SECTION 3. Said city may make, build, lay down and maintain aqueducts and pipes from the Merrimack River, through Methuen, and into, through and about said city, and secure and maintain the same by any works suitable therefor; may construct and maintain reservoirs within or without said city; may provide and maintain suitable machinery, and may make, erect, and maintain and carry on such other works as may be necessary or proper for raising the water into the same, and forcing and distributing the water through and about said city; may make and establish such public hydrants in such places within said city as may from time to time be deemed proper, and prescribe the purposes for which the same may be used, and may change or discontinue the same; may distribute the water throughout the city, and for this purpose may lay down pipes to any house or building in said city, the owner or owners thereof having notice, and not objecting thereto; may regulate the use of said water within the city, and establish, receive and collect the rents to be paid therefor; and the said city may, for the purposes aforesaid, carry, conduct and maintain any

aqueducts, pipes or other works by them to be made, laid down or conducted over, under, through or across any water-course, canal, street, bridge, railroad, highway or other way, in such a manner as not to obstruct the travel or free use thereof; may enter upon and dig up any such road, street or way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same; and, in general, may do any other acts and things necessary or convenient and proper for carrying out the purposes of this act.

SECTION 4. Nothing in this act shall authorize the construction of any work which, when completed, shall obstruct the flow of the water of said river (not taken as herein authorized) to or from any water-mill now existing in said Lawrence or Methuen. And in the event that under the authority of this act, water shall be taken from said river at any place above the dam of the Essex Company, nothing herein shall authorize the use of water so taken, as or for power for propelling or operating machinery, otherwise than as steam.

Works not to obstruct flow of water in Merrimack River.

SECTION 5. All pipes, aqueducts and other works constructed or erected by said city, by virtue of this act, in, under or over any of the canals of the Essex Company shall be so constructed, erected and laid, as when completed not to obstruct the navigation in said canals, or either of them, or to interrupt or impede the flow of the water in the same.

Navigation in canals not to be obstructed.

SECTION 6. Three commissioners shall be appointed by the city council, by joint ballot of both branches, who shall, during their continuance in office, execute, superintend and direct the performance of all the works, matters and things mentioned in this act, and in all other acts that may be passed relative to the same subject, which are not otherwise specifically provided for; and who shall be subject to such ordinances, rules and regulations in the execution of said trust, as the city council may from time to time ordain and establish, not inconsistent with the provisions of law; and who shall, once in six months, and whenever required by the city council, make and present in writing a particular report and statement of all their acts and proceedings, and of the condition and progress of the works aforesaid.

Commissioners to be appointed to take charge of works.

They shall respectively hold office for the term of three years next after their appointment, unless the works aforesaid are sooner completed, but they or either of them, after having had an opportunity to be heard in defence, may be removed at any time by a concurrent vote of two-thirds of

Term of office.

Vacancies in board.

each branch of the city council; and in case of a vacancy in the board of commissioners by death, resignation or removal, such vacancy shall be filled by the appointment of another commissioner, who shall hold his office for the residue of the said term of three years, with all the powers and under all the restrictions aforesaid. A majority of said commissioners shall be a quorum for the exercise of the powers, and the performance of the duties of the said office.

Salaries to be fixed before election.

SECTION 7. The city council, before the appointment of said commissioners, shall establish and fix the salaries or compensation to be paid them for their services, which shall not be reduced during their continuance respectively in said office.

When office ceases, rights to be exercised by city of Lawrence.

SECTION 8. Whenever the office of said commissioners shall cease, either by the expiration of said term of three years from the original appointment, or by the completion of the works aforesaid, all the rights, powers and authorities given to the city of Lawrence by this act, shall be exercised by the said city, subject to the restrictions, duties and liabilities herein contained, in such manner, and by such officers, agents and servants as the city council shall from time to time ordain, appoint and direct.

City of Lawrence water loan.

SECTION 9. For the purpose of defraying the expenses which may be incurred by the city of Lawrence in carrying into effect the powers granted by this act, the city council shall have authority to issue from time to time notes, scrip, bonds or certificates of debt, to be denominated on the face thereof "City of Lawrence Water Loan," to an amount not exceeding eight hundred thousand dollars; the same to bear interest not exceeding the rate of six per cent. per annum, and the principal to be payable at periods not more than thirty years from the issuing of said notes, scrip, bonds or certificates of debt respectively; and the city council may sell the same or any part thereof, from time to time, at public auction or private sale, or pledge the same for money borrowed for the purposes of this act, on such terms and conditions as the city council shall judge proper. And the city council of said city is hereby authorized from time to time to appropriate, grant and assess such sum or sums of money as shall be deemed expedient towards paying said expenses, or the principal of the money so borrowed or obtained, and the interest thereof in the same manner as money is appropriated, granted and assessed for other city purposes.

\$800,000 at six per cent. interest.

Liability for damages.

SECTION 10. Said city shall be liable to pay all damages sustained by any persons or corporations by the taking of any lands or water, water rights, franchises or property, or by the sinking of wells or making of excavations, the con-

structing of aqueducts, reservoirs or water works, or the laying of pipes, or by repairing the same, or in any other way sustained in carrying into effect the provisions of this act. If any person or corporation sustaining damage as aforesaid cannot agree with said commissioners upon the amount of said damages, he may have them assessed and paid in the same manner as is provided by law with respect to land taken for highways.

SECTION 11. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and the owner thereof shall be also liable if, on being notified of such use, he does not object thereto.

Occupant of tenement liable for use of water.

SECTION 12. If any person shall use any of the said water either within or without said city, without the consent of said city, an action of tort may be maintained by said city for the recovery of the damages sustained; and if any person wantonly or maliciously shall divert the water or any part thereof from, or shall corrupt or render impure the water in, or shall destroy or injure any aqueduct, canal, well, reservoir, pipe, conduit, hydrant, machine or other works or property held, owned or used by the said city of Lawrence by the authority and for the purposes of this act, every such person shall forfeit and pay to the said city three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action; and any such person, on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both.

Penalty for unlawfully using or maliciously diverting water or rendering the same impure.

SECTION 13. This act shall be void unless submitted to and approved by a majority of the voters of the city of Lawrence, present and voting at meetings held simultaneously for the purpose in the several wards, within one year from the passage of this act, upon notice duly given at least seven days before the time of holding said meetings.

Subject to acceptance by vote of the city.

SECTION 14. This act shall take effect upon its passage.

Approved March 8, 1872.

AN ACT TO FIX THE SALARY OF THE COUNTY TREASURER OF BERKSHIRE COUNTY.

Chap. 80.

Be it enacted, &c., as follows:

SECTION 1. The county treasurer of Berkshire county shall receive an annual salary of fifteen hundred dollars, payable quarterly from the first day of January of the present year.

Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1872.

Chap. 81.**AN ACT TO ESTABLISH THE CITY OF FITCHBURG.***Be it enacted, &c., as follows:*

City of Fitchburg established.

SECTION 1. The inhabitants of the town of Fitchburg shall continue to be a body politic and corporate, under the name of the City of Fitchburg, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations now incumbent upon and pertaining to the said town as a municipal corporation.

Government vested in mayor and city council.

SECTION 2. The administration of all the fiscal, prudential, and municipal affairs of the said city, with the government thereof, shall be vested in one officer, to be called the mayor, one council of six, to be called the board of aldermen, and one council of eighteen, to be called the common council; which boards, in their joint capacity, shall be denominated the city council; and the members thereof shall be sworn to the faithful performance of their respective duties. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall receive any compensation for his services.

Quorum.

Division of town into wards.

SECTION 3. It shall be the duty of the selectmen of said town, as soon as may be after the passage of this act and its acceptance as herein provided, to divide said town into six wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward, which division may be revised by the city council within two years from the passage hereof. The city council may, in the year eighteen hundred and seventy-five, and in every fifth year thereafter, make a new division of said wards, so that they shall contain, as nearly as may be consistent with well defined limits to each ward, an equal number of voters in each ward, according to the census to be taken in the month of May or June in said years.

New division may be made every five years.

Annual election.

SECTION 4. The election of city and ward officers shall take place on the first Tuesday of December, annually, and the municipal year shall begin on the first Monday of January following.

Election of ward officers.

SECTION 5. On the first Tuesday of December, annually, there shall be elected by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year, and until others shall be elected and qualified in their stead. Said wardens shall preside at all

Ward meetings.

ward meetings, with the powers of moderators at town meetings; and if at any meeting the warden is not present,

the clerk shall preside until a warden *pro tempore* is elected by ballot ; if both the warden and clerk are absent, the senior in age of the inspectors present shall preside until a warden *pro tempore* is thus elected ; and if all said officers are absent, any legal voter in said ward may preside until a warden *pro tempore* is elected. When any ward officer is absent or neglects to perform his duty, his office shall be filled *pro tempore*. The clerk shall record all the proceedings and certify the votes, and deliver to his successor in office all the records, journals, documents and papers held by him in his said capacity. The inspectors shall assist the warden in receiving, assorting and counting the votes. All said officers shall be sworn to a faithful discharge of their duties, said oath to be administered by the clerk to the warden, and by the warden to the clerk and to the inspectors, or to either of said officers by any justice of the peace for the county of Worcester. Certificates of such oaths shall be made by the clerk upon the ward records. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and served and returned in such manner, and at such times, as the city council shall direct. The compensation of the ward officers shall be fixed by concurrent vote of the city council.

Clerk and inspectors.

Ward officers to be sworn.

Meetings of citizens.

SECTION 6. The mayor and aldermen are authorized, when no convenient ward-room for holding ward meetings for the citizens of either wards of the city can be had within the territory or limits of such ward, to appoint and direct, in the warrants for calling the ward meetings of such wards, the said meetings to be held in some convenient and approximate place within the limits of any other of the wards of said city ; and for such purposes the place so assigned for the meetings of such ward shall be deemed and taken to be included in and part of said ward, as though the same was within the territorial limits thereof.

Ward meetings may be held without the limits of the ward, by order of the mayor and aldermen.

SECTION 7. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards, and shall hold his office for the municipal year next following his election, and until another shall be elected and qualified in his place.

Mayor.

SECTION 8. Six aldermen, one alderman being selected from each ward, shall be elected by the qualified voters of the city at large, voting in their respective wards, who shall hold their offices for the municipal year next following their

Aldermen.

election, and until a majority of the new board shall be elected and qualified in their places.

Common councilmen.

SECTION 9. Three common councilmen shall be elected by and from the voters of each ward, and shall at the time of their election be residents of the wards respectively in which they are elected; they shall hold their offices for the municipal year next following their election, and until a majority of the new board shall be elected and qualified in their places.

Election on first Tuesday of December, annually.

SECTION 10. On the first Tuesday of December, annually, the qualified voters in the several wards shall give in their votes, by ballot, for mayor, aldermen and common councilmen, in accordance with the provisions of this act; and all the votes so given, shall be assorted, counted, declared and recorded in open ward meeting, by causing the names of the persons voted for, and the number given for each, to be written in the ward record at length. The clerk of the ward, within twenty-four hours thereafter, shall deliver to the persons elected members of the common council, certificates of their elections, respectively, signed by the warden and the clerk and a majority of the inspectors of elections, and shall deliver to the city clerk a copy of the record of such elections certified in like manner. The board of aldermen shall, within ten days thereafter, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor, to be notified, in writing, of his election; but if the person elected shall refuse to accept the office, the board shall issue warrants for a new election, and the same proceedings shall be had in all respects as are herein before provided for the election of mayor, and, from time to time, shall be repeated until a mayor shall be elected and shall accept said office. In case of the decease, resignation, or absence of the mayor, or of his inability to perform the duties of his office, or in case of a vacancy in the office of mayor from any cause, it shall be the duty of the board of aldermen and common council respectively, by vote, to declare that a vacancy exists, and the cause thereof; and thereupon the city council shall, by concurrent vote, elect a mayor to fill such vacancy; and the mayor thus elected shall hold his office until the inability causing such vacancy shall be removed, or until a new election. Each alderman shall be notified in writing of his election by the mayor and aldermen for the time being. The oath prescribed by this act shall be administered to the mayor by the city clerk or by any justice of the peace for the county of Worcester. The

Certificates of election.

Mayor elect to be notified by aldermen.

In case of failure to elect mayor or his refusal to accept.

Vacancy by death, resignation, etc.

Aldermen and councilmen to meet in convention first Monday of January, and be sworn.

aldermen and common councilmen elect shall, on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace for the county of Worcester; and a certificate of such oath having been taken, shall be entered upon the journal of the mayor and aldermen and of the common council, by their respective clerks. After the oath has been administered as aforesaid, the two boards shall separate, and the common council shall be organized by the election of a president and clerk, to hold their offices respectively during the pleasure of the common council, the clerk to be under oath faithfully to perform the duties of his said office; and his compensation shall be fixed by concurrent vote of the city council.

Common council to be organized by choice of president and clerk.

In case of the absence of the mayor elect on the first Monday of January, or if a mayor shall not then have been elected, the city council shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor was present; and the oath of office may at any time thereafter, in convention of the two boards, be administered to the mayor, and any member of the city council who may have been absent at the organization. In the absence of the mayor, the board of aldermen may elect a presiding officer *pro tempore*, who shall also preside at the joint meetings of the two boards.

City council to organize in absence or non-election of mayor, who may be sworn afterwards.

President of board of aldermen *pro tem*.

Each board shall keep a record of its own proceedings, and judge of the election of its own members; and, in case of vacancy in either board, the mayor and aldermen shall issue their warrants for a new election.

Each board to keep record of proceedings.

SECTION 11. The mayor shall be the chief executive officer of the city. It shall be his duty to be active and vigilant in causing the laws and regulations of the city to be enforced, and to keep a general supervision over the conduct of all subordinate officers; and he may, whenever in his opinion the public good may require, remove, with the consent of the appointing power, any officer over whose appointment he has, in accordance with the provisions of this charter, exercised the power of nomination. He may call special meetings of the boards of aldermen and common council, or either of them, when in his opinion the interests of the city require it, by causing notices to be left at the usual place of residence of each member of the board or boards to be convened. He shall from time to time communicate to both boards such information, and recommend such measures as the business and interests of the city may

Mayor to be chief executive officer of city.

May remove officers with consent of the appointing power. May call special meetings of boards.

To preside in board of aldermen and in convention.
Salary of mayor.

in his opinion require. He shall preside in the board of aldermen and in convention of the two boards, but shall have a casting vote only. His salary for the first five years, under this charter, shall be fixed by the city council, but shall not exceed the sum of five hundred dollars per annum. Afterwards it shall be fixed by concurrent vote of the city council. It shall be payable at stated periods, but shall not, at any time, be increased or diminished during the year for which he is elected. He shall receive no other compensation.

Executive power vested in mayor and aldermen.

SECTION 12. The executive power of said city generally, with all the powers heretofore vested by special statute in the selectmen of the town of Fitchburg and in the selectmen of towns generally by the laws of the Commonwealth, shall be vested in and exercised by the mayor and aldermen as fully as if the same were herein specially enumerated. The mayor and aldermen shall have full and exclusive power to appoint a constable or constables, a chief of police with all the powers and duties of a constable, and all other police and all subordinate officers whose election is not herein provided for, and the same to remove at pleasure; and they may require any person who may be appointed a constable or chief of police of the city, to give bonds for the faithful discharge of the duties of the office, with such security and to such an amount as they may deem reasonable and proper; upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds taken by selectmen of towns. The compensation of the police and other subordinate officers shall be fixed by concurrent vote of the city council. The city council shall have the care and superintendence of the city buildings, and the custody and management of all city property, with power to let what may be legally let, and to sell or purchase property, real or personal, in the name and for the use of the city, whenever its interests or convenience may, in their judgment require it; and they shall, as often as once a year, cause to be published for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of city property and of the city debt.

Constables and police officers.

City council to have care of public property.

Annual report of receipts and expenditures.

Appointments by mayor and aldermen, how made.

SECTION 13. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, being subject, however, to confirmation or rejection by the board of aldermen; and no person shall be eligible, by appointment or election by the mayor and aldermen or city council, to any office of emolument the salary of which is payable out of the city treasury, who at the time of such appointment

or election shall be a member of the board of aldermen or of the common council. All sittings of the mayor and aldermen, of the common council and of the city council, shall be public when they are not engaged in executive business.

Sittings not executive to be public.

SECTION 14. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot in convention, a treasurer and collector of taxes, city clerk, one or more superintendents of streets, a city physician, a chief engineer of the fire department and as many assistant engineers, not exceeding eight, as they may deem sufficient; and by concurrent vote, a city solicitor and city auditor, who shall hold their offices for the term of one year next ensuing, and until others shall be elected and qualified in their stead: *provided, however*, that either of the officers named in this section may be removed at any time by the city council for sufficient cause. Vacancies occurring in the above-named offices may be filled at any time. The compensation of the officers mentioned in this section shall be fixed by concurrent vote of the city council.

Treasurer, city clerk, etc., to be elected in convention.

City solicitor and auditor to be elected by concurrent vote. *Provido.*

SECTION 15. The city clerk shall also be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen, and he shall perform all the duties and exercise all the powers incumbent by law upon him. He shall deliver to his successor in office, as soon as chosen and qualified, all the records, journals, documents and papers held by him in his said capacity.

City clerk to be clerk of board of aldermen.

SECTION 16. The city council elected in December in the year eighteen hundred and seventy-two, shall, as soon as may be convenient after their organization, elect by joint ballot three persons to be water commissioners; one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner one person who shall hold his office for the term of three years next ensuing, and until another shall be elected and qualified in his stead. Vacancies occurring in the commission may be filled by joint ballot of the city council at any time. The city council may at any time remove any member of said commission from office for cause. The compensation of the water commissioners shall be fixed by concurrent vote of the city council.

Water commissioners to be elected by the city council, and be removable for cause.

SECTION 17. The act entitled "An Act to authorize a fire department in the town of Fitchburg," passed the third day of April, in the year one thousand eight hundred and

Fire department.

Regulation of
construction of
buildings.

Public grounds,
etc.

Overseers of the
poor to be elect-
ed in conven-
tion.

Mayor to be
chairman of
board.
Vacancies.

Assessors of
taxes to be
elected by con-
current vote.

fifty-one, shall continue in force; and all power and authority now vested in the selectmen of said town in relation to the fire department in said town shall be transferred to and vested in the mayor and aldermen; but the city council shall have power to establish fire limits within the city, and from time to time change or enlarge the same; and by ordinance they shall regulate the construction of all buildings erected within said fire limits, stipulating their location, sizes and the material of which they shall be constructed, together with such other rules and regulations as shall tend to insure the same from damage by fire. They shall also have the sole care, superintendence and management of the public grounds belonging to said city, and of all the shade and ornamental trees standing and growing thereon, and also of all the shade and ornamental trees standing and growing in or upon any of the public streets and highways of said city.

SECTION 18. The city council elected in December, in the year eighteen hundred and seventy-two, shall, as soon after their organization as may be convenient, elect by joint ballot, in convention, three persons to be overseers of the poor, one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same manner one person who shall hold his office for the term of three years next ensuing, and until another shall be elected and qualified in his stead; but no more than one of the three members so to be elected shall be eligible from any one ward of said city. The persons so elected shall, with the mayor and president of the common council, constitute the board of overseers of the poor. The mayor shall be *ex officio* chairman of the board. Vacancies occurring in the board may be filled by joint ballot of the city council at any time; the members so elected to hold office only for the unexpired term of the member who has ceased to hold office. The city council may at any time remove any elected member of the said board from office for cause. The compensation of the overseers of the poor shall be fixed by concurrent vote of the city council.

SECTION 19. The city council elected in December, in the year eighteen hundred and seventy-two, shall, as soon after their organization as may be convenient, elect by concurrent vote three persons to be assessors of taxes, one for three years, one for two years, and one for one year; and thereafter the city council shall annually, as soon after their organization as may be convenient, elect in the same man-

ner one person who shall hold his office for the term of three years next ensuing, and until another shall be elected and qualified in his stead. The persons so elected shall constitute the board of assessors, and shall exercise the powers, and be subject to the liabilities and duties of assessors in towns. Vacancies occurring in the board may be filled by concurrent vote of the city council at any time, the member so elected to hold office only for the unexpired term of the member who has ceased to hold office. All taxes shall be assessed, apportioned and collected in the manner prescribed by the general laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof. The compensation of the assessors shall be fixed by the concurrent vote of the city council.

Vacancies

Compensation.

SECTION 20. The city council shall annually, as soon after their organization as may be convenient, elect by concurrent vote one person from each ward to be an assistant assessor; and it shall be the duty of the persons so elected to furnish the assessors with all necessary information relative to persons and property taxable in their respective wards, and they shall be sworn to the faithful performance of their duty. Vacancies occurring may be filled by concurrent vote of the city council at any time. The compensation of the assistant assessors shall be fixed by concurrent vote of the city council.

Assistant assessors.

Vacancies.

Compensation.

SECTION 21. The qualified voters of each ward shall, on the first Tuesday of December, in the year eighteen hundred and seventy-two, elect by ballot three persons in each ward, who shall be residents of said ward, to be members of the school committee, one for three years, one for two years, and one for one year from the first Monday of January, in the year eighteen hundred and seventy-three; and thereafter, on the first Tuesday of December, annually, there shall be elected in the same manner one person in each ward, who shall be a resident of said ward, who shall hold his office for the term of three years from the first Monday of January next ensuing. The persons so elected shall, with the mayor and president of the common council, constitute the board of school committee, and shall serve without compensation. The mayor shall be *ex officio* chairman of the board. The said committee shall appoint from their own number, or otherwise, a secretary, to be, under the direction and control of said committee, superintendent of the schools, and the compensation of such secretary shall be determined from year to year by the school committee.

School committee.

Mayor to be chairman of board.

Vacancies, how
to be filled.

Vacancies occurring in the board may be filled by the joint ballot of the city council and school committee at any time, the member so elected to hold office only for the remainder of the municipal year. All the rights and obligations of said town of Fitchburg, in relation to the grant and appropriations of money to the support of schools, and the special powers and authority heretofore conferred by law upon the inhabitants of said town to raise money for the support of schools therein, shall be merged in the powers and obligations of the city, to be exercised in the same manner as over other subjects of taxation; and all grants and appropriations of money for the support of schools, and the erection and repair of school-houses in said city, shall be made by the city council in the same manner as grants and appropriations are made for other city purposes.

City council to
take care that
no money is
paid from treas-
ury unless
granted.

SECTION 22. The city council shall take care that no money be paid from the treasury unless granted or appropriated, and shall secure a just and proper accountability, by requiring bonds with sufficient penalties and sureties from all persons entrusted with the receipt, custody or disbursement of money.

City council to
lay out streets
and estimate
damages.

SECTION 23. The city council shall have exclusive authority and power to lay out any new street or town way, and to estimate the damages any individual may sustain thereby; but all questions relating to the subject of laying out, accepting, altering or discontinuing any street or way, shall first be acted upon by the mayor and aldermen, and any person dissatisfied with the decision of the city council in the estimate of damages, may make complaint to the county commissioners of the county of Worcester, at any meeting held within one year after such decision, whereupon the same proceedings shall be had as are now provided by the laws of this Commonwealth, in cases where persons are aggrieved by the assessment of damages by selectmen, in the forty-third chapter of the General Statutes.

City council
may make by-
laws for inspec-
tion of lumber,
coal, etc.

SECTION 24. The city council may make by-laws, with suitable penalties, for the inspection, survey, measurement and sale of lumber, wood, hay, coal and bark brought into or exposed in said city for sale, and shall have the same powers as the town had in reference to the suspension of the laws for the protection and preservation of useful birds, and of all other laws, the operation or suspension of which is subject to the action of the town thereon. The city council may also make all such salutary and needful by-laws as towns, by the laws of this Commonwealth, have power to make and establish, and to annex penalties, not exceeding

May make such
by-laws as
towns have
power to make.

twenty dollars, for the breach thereof; which by-laws shall take effect and be in force from and after the time therein respectively limited, without the sanction of any court, but subject to the approval of the mayor: *provided, however,* Proviso. that all laws and regulations in force in said town, shall, until they shall expire by their own limitation, or be revised or repealed by the city council, remain in force. All fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury.

SECTION 25. All elections of national, state, county and district officers who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections in their respective wards, at the time fixed by law for these elections respectively. Election of national, state, county and district officers.

SECTION 26. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and, for that purpose, they shall have full access to the assessors' books and lists, and are empowered to call for the assistance of the assessors, assistant assessors, and other city officers; and they shall deliver the lists so prepared and corrected to the clerks of the several wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such list. A list of the voters of each ward shall be posted in one or more public places in each ward: *provided, however,* that any person whose name shall not be borne on the list of the ward in which he is entitled to vote, when it shall be placed in the hands of the clerk of said ward, shall have the right to have his name entered thereon, at any time thereafter before the closing of the polls, upon presenting to the ward officers a certificate, signed by the mayor or city clerk, setting forth his right to have his name so entered. Lists of voters to be made by mayor and aldermen and delivered to ward clerks.

SECTION 27. General meetings of the citizens qualified to vote, may from time to time be held to consult upon the public good, to instruct their representatives, and to take all lawful means to obtain redress for any grievances, according to the rights secured to the people by the constitution of this Commonwealth. And such meetings may and shall be duly warned by the mayor and aldermen, upon the request, in writing, setting forth the purposes thereof, of fifty qualified voters. List to be posted in each ward.

SECTION 28. All power and authority now vested by law in the board of health for said town, or in the selectmen thereof, shall be transferred to and vested in the city council. General meetings of citizens.

Board of health.

cil, to be by them exercised in such manner as they may deem expedient.

"Act for supplying Fitchburg with pure water" continued in force.

SECTION 29. The power and authority vested in said town of Fitchburg by chapter ninety-five of the acts of the year one thousand eight hundred and seventy, entitled "An Act for supplying the town of Fitchburg with pure water," and by the vote of said town passed in accordance with the provisions of said act, shall continue in force.

Election of aldermen.

SECTION 30. On the first Tuesday of December in the year one thousand eight hundred and seventy-two, the qualified voters of the city, voting at large in their respective wards, shall give in their votes for six aldermen, one alderman being selected from each ward, whose term of office shall be as follows, viz.: the aldermen thus elected for wards numbered by the selectmen in their division of the town according to section three of this charter, one, three and five, shall hold their offices respectively for the term of two municipal years next following their election; and the aldermen thus elected for the wards numbered as aforesaid, two, four and six, shall hold their offices respectively for the term of one municipal year next following their election; and all elections of aldermen after said first Tuesday of December, shall be for the term of two years from the first Monday of January next following their election, except elections to fill vacancies, in which case the election shall be for the unexpired terms only.

Term of office.

Election of common councilmen.

SECTION 31. On the first Tuesday of December, in the year one thousand eight hundred and seventy-two, the qualified voters in each ward of the city shall elect three common councilmen, who shall at the time of their election, be residents of the wards respectively in which they are elected, whose terms of office shall be as follows, viz.: at said election, wards numbered by the selectmen as aforesaid, two, four and six, shall elect two common councilmen each for the term of two municipal years, and one common councilman each for the term of one municipal year next following their election; wards numbered one, three and five, shall, at the same time, elect one common councilman each for the term of two municipal years, and two common councilmen each for the term of one municipal year next following their election; and all elections of common councilmen, after said first Tuesday of December, shall be for the term of two municipal years from the first Monday of January next following their election; except elections to fill vacancies, in which case the elections shall be for the unexpired term only.

Term of office.

SECTION 32. All acts and parts of acts inconsistent with this act, are hereby repealed: *provided, however,* that the repeal of the said acts shall not affect any act done, or any right accruing or accrued or established, or any suit or proceeding had or commenced in any civil case before the time when such repeal shall take effect, and that no offence committed and no penalty or forfeiture incurred under any act hereby repealed, and before the time when such repeal shall take effect, shall be affected by the repeal, and that no suit or prosecution pending at the time of the said repeal, for any offence committed or for the recovery of any penalty or forfeiture incurred under said act, shall be affected by such repeal; and *provided, also,* that all persons at the time of said repeal taking effect shall hold any office under the said acts, shall continue to hold the same until the organization of the city government contemplated by this charter shall be completely effected.

Repeal.

Proviso.

Proviso.

SECTION 33. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town of Fitchburg, for the time being, shall issue their warrants seven days at least previous to the first Tuesday of December of the present year, calling meetings of the citizens of each ward on that day, at such place and hour as they may deem expedient, for the purpose of electing a warden, clerk and inspectors for each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcripts of the records in each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of the ward at said first meeting, shall be returned to said selectmen, whose duty it shall be to examine and compare the same and give notice thereof in manner before provided, to the several persons elected. At said first meeting, a list of voters in each ward, prepared and corrected by the selectmen for the time being, shall be delivered to the clerk of each ward, when elected, to be used as herein before provided. After the election of the city officers as aforesaid, the selectmen shall appoint a place for their first meeting, and shall, by written notice left at the place of residence of each member, notify them thereof. It shall be the duty of the city council, immediately after the first organization, to carry into effect the several provisions of this act.

First meeting for election of city officers.

Lists of voters to be prepared by selectmen to be used at elections.

SECTION 34. This act shall be void unless the inhabitants of the town of Fitchburg, at a legal meeting called for that purpose, to be held within sixty days from the passage of

Act void unless accepted by a majority vote within sixty days.

this act, shall, by a vote of the majority of the voters present, voting thereon as hereinafter provided, determine to adopt the same. All the sections of this act, except the thirtieth and thirty-first, shall be voted for or against upon one ballot; and sections thirtieth and thirty-first shall be voted for or against upon one ballot; and if sections thirtieth and thirty-first shall be accepted upon such vote, then sections eight and nine of this act shall be void, and sections thirtieth and thirty-first shall stand in place of sections eight and nine: *provided*, the other parts of said act shall be adopted by said inhabitants. At said meeting the votes shall be taken by written or printed ballots, and the polls shall be kept open not less than six hours. The selectmen shall preside in said meeting, and in receiving said ballots shall use the check lists in the same manner as they are used in the elections of state officers.

SECTION 35. This act shall take effect upon its passage.

Approved March 8, 1872.

Chap. 82.

AN ACT TO INCORPORATE THE BROADWAY SAVINGS BANK IN LAWRENCE.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.
Powers and duties.

SECTION 1. James A. Treat, James Payne, John Fallon, Alfred French, Artemas W. Stearns, Jesse Glover, Thomas Scott, Daniel Hardy, John Smith, Peter Smith, Joseph W. Smith, their associates and successors, are hereby made a corporation by the name of the Broadway Savings Bank, to be located in the city of Lawrence; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws, which now are or may hereafter be in force applicable to savings banks.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1872.

Chap. 83.

AN ACT TO EXTEND THE TIME FOR THE LOCATION AND CONSTRUCTION OF A BRANCH RAILROAD BY THE FITCHBURG RAILROAD COMPANY.

Be it enacted, &c., as follows:

Time for location and construction extended.

SECTION 1. The time for the location and construction of the branch railroad authorized by the two hundred and forty-sixth chapter of the acts of the year eighteen hundred and seventy is hereby extended two years beyond the time therein limited.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1872.

AN ACT TO AUTHORIZE SELECTMEN OF TOWNS TO ESTABLISH PUBLIC WATERING PLACES. *Chap. 84.*

Be it enacted, &c., as follows:

SECTION 1. The selectmen of the various towns may establish and maintain such public drinking troughs, wells and fountains within the public highways, squares and commons of their respective towns, as in their judgment the public necessity and convenience may require; and the several towns are hereby authorized to raise and appropriate such sums of money as shall be necessary to defray the expense thereof. Public drinking troughs and fountains may be established by selectmen, and towns may raise money to pay for same.

SECTION 2. Chapter one hundred and eighteen of the acts of eighteen hundred and seventy, and all acts and parts of acts inconsistent herewith, are hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved March 9, 1872.

AN ACT IN ADDITION TO "AN ACT FOR SUPPLYING THE CITY OF CHARLESTOWN WITH PURE WATER." *Chap. 85.*

Be it enacted, &c., as follows:

SECTION 1. For the purpose of defraying the cost and expenses incurred by the city of Charlestown in the construction and extension of water works in said city, the city council of said city is hereby authorized to issue from time to time, scrip, notes or certificates of debt, to be denominated on the face thereof, "Water Bonds of the City of Charlestown," to an amount not exceeding one hundred thousand dollars: *provided, however,* that the whole amount issued under this act and the acts to which this act is in addition, shall not exceed the cost of the construction and extension of said works. The said bonds shall bear interest at a rate not exceeding six per centum per annum, and shall be redeemable at a period of time not less than ten nor more than thirty years from and after the issue thereof. And said city council may sell the same or any part thereof, from time to time, at public or private sale, on such terms and conditions as said city council shall judge proper. "Water bonds of the city of Charlestown" not to exceed \$100,000. Proviso.

SECTION 2. The income derived from water rates under the several acts authorizing the construction and extension of water works in said city, after deducting cost of maintenance, and interest on the water bonds, shall be applied to the reduction of the water debt, and shall not be used for any other purpose whatever. Income from water rates in excess of cost of maintenance and interest to be applied to reduction of debt.

SECTION 3. This act shall take effect upon its passage.

Approved March 9, 1872.

Chap. 86. AN ACT TO AUTHORIZE CITIES AND TOWNS TO ESTABLISH INDUSTRIAL SCHOOLS.*Be it enacted, &c., as follows:*

Industrial schools may be established by cities and towns. To be under superintendence of school committee.

Proviso.

The city council of any city, and any town, may establish and maintain one or more industrial schools and raise and appropriate the money necessary to render them efficient. Such schools shall be under the superintendence of the board of school committee of the city or town wherein they are established, and such board shall employ the teachers, prescribe the arts, trades and occupations to be taught in such schools, and shall have the general control and management thereof: *provided*, that in no case shall the expense of any such school exceed the appropriation specifically made therefor; and *provided*, that nothing in this act contained shall authorize the school committee of any city or town to compel any scholar to study any trade, art or occupation without the consent of the parent or guardian of such scholar, and that attendance upon any such school shall not take the place of the attendance upon public schools required by law.

Approved March 9, 1872.

Chap. 87. AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE CITY OF CHELSEA.*Be it enacted, &c., as follows:*

Powers of commissioners of Middlesex relating to highways, etc., vested in mayor and aldermen.

Legal proceedings not affected.

Not entitled to vote for commissioners of Middlesex.

Repeal.

SECTION 1. All the powers heretofore vested in the county commissioners of Middlesex county, relating to the laying out, widening, alteration, discontinuance, building or repairs of any highway or bridge in the city of Chelsea shall be hereafter vested in the mayor and aldermen of said city.

SECTION 2. This act shall not affect any legal proceedings already commenced.

SECTION 3. The voters of the city of Chelsea hereafter shall not be entitled to vote for county commissioners for the county of Middlesex.

SECTION 4. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved March 9, 1872.

Chap. 88. AN ACT TO AMEND THE CHARTER OF THE BROOKLINE AND TYNGSBOROUGH RAILROAD COMPANY.*Be it enacted, &c., as follows:*

Amendment to 1871, 176, § 2.

SECTION 1. Section two of chapter one hundred and seventy-six of the acts of the year eighteen hundred and seventy-one, is hereby amended by inserting after the word "of," at the end of the seventh line thereof, the words "Hollis or."

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1872.

AN ACT TO AUTHORIZE THE MANSFIELD AND FRAMINGHAM RAILROAD COMPANY TO CONVEY CERTAIN REAL ESTATE.

Chap. 89.

Be it enacted, &c., as follows:

SECTION 1. The Mansfield and Framingham Railroad Company may sell and convey to the Boston, Clinton and Fitchburg Railroad Company all that portion of its road and real estate, with the franchise and corporate rights connected therewith, situated northerly of the Boston and Albany Railroad in Framingham.

May sell portion of road, etc., to Boston, Clinton and Fitchburg R. R. Co.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1872.

AN ACT TO ESTABLISH THE BOUNDARY LINE BETWEEN THE TOWN OF WESTHAMPTON AND THE TOWNS OF NORTHAMPTON, EASTHAMPTON AND SOUTHAMPTON.

Chap. 90.

Be it enacted, &c., as follows:

SECTION 1. The line dividing the town of Westhampton from the towns of Northampton, Easthampton and Southampton, between the points named, is hereby established as follows, to wit: beginning at the ancient stone monument at the north-easterly corner of Westhampton and the north-westerly corner of Northampton; thence running southerly in a straight line to an ancient monument on the Southampton boundary line at the south-easterly corner of Westhampton.

Dividing line established.

SECTION 2. The said line shall be run, and the monuments therein established, at the joint and equal expense of the towns of Northampton and Westhampton.

Expense of running line to be paid by Northampton and Westhampton.

SECTION 3. This act shall take effect upon its passage.

Approved March 12, 1872.

AN ACT TO AMEND THE SIXTH SECTION OF CHAPTER SEVENTEEN OF THE GENERAL STATUTES IN RELATION TO EXPENSES OF THE COUNTY OF SUFFOLK.

Chap. 91.

Be it enacted, &c., as follows:

The sixth section of chapter seventeen of the General Statutes is hereby amended by adding at the end thereof the following words:—

Amendment to G. S. 17, § 6.

No part of the expenses incurred by the laying out, widening, alteration, discontinuance, building or repair of any highway, bridge or other way of travel in the city of Chelsea or the towns of Revere and Winthrop, shall be assessed upon the county of Suffolk or the city of Boston.

Highways in Chelsea.

No part of the expenses incurred by the laying out, widening, alteration, discontinuance, building or repairs of any highway, bridge or other way of travel in the towns of Revere and Winthrop, shall be assessed upon the city of Chelsea.

Highways in Revere and Winthrop.

Approved March 12, 1872.

Chap. 92. AN ACT TO AUTHORIZE THE OLD COLONY AND NEWPORT RAILWAY COMPANY TO EXTEND ITS WHARF IN SOMERSET, AND TO CONSTRUCT AN ADDITIONAL WHARF.

Be it enacted, &c., as follows:

May extend
wharf in So-
merset.

SECTION 1. License is hereby given to the Old Colony and Newport Railway Company to extend its present wharf and to construct an additional wharf at the westerly end of its bridge over Taunton Great River in the town of Somerset, within such limits as the harbor commissioners may determine and direct: *provided*, that all things done under this act shall be subject to the provisions of the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, so far as applicable.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1872.

Chap. 93. AN ACT TO AUTHORIZE HOWES NORRIS TO EXTEND HIS WHARF AT VINEYARD HAVEN HARBOR.

Be it enacted, &c., as follows:

May extend
wharf at Vine-
yard Haven
Harbor.

SECTION 1. License is hereby given to Howes Norris to extend his wharf at Bellevue Heights, (formerly called Eastville), on the east side of Vineyard Haven Harbor, subject to such limits as the harbor commissioners may determine and direct: *provided*, that all things done under this act shall be subject to the provisions of the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, so far as applicable.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1872.

Chap. 94. AN ACT TO AUTHORIZE HENRY NICKERSON AND HIS ASSOCIATES TO BUILD A WHARF IN HARWICH.

Be it enacted, &c., as follows:

May build
wharf in Har-
wich.

SECTION 1. Henry Nickerson and his associates are hereby authorized to build and maintain a wharf from land owned by them in the town of Harwich, west of Herring River and near the line of said town and the town of Dennis, within such limits as the harbor commissioners may determine and direct: *provided*, that all things done under this act shall be subject to the provisions of the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and to the provisions of chapter four hun-

Proviso.

dred and thirty-two of the acts of the year eighteen hundred and sixty-nine, so far as applicable.

SECTION 2. This act shall take effect upon its passage.

Approved March 12, 1872.

AN ACT TO AUTHORIZE THE TOWN OF MILFORD TO TAKE AND CONVEY WATER TO VERNON GROVE CEMETERY.

Chap. 95.

Be it enacted, &c., as follows:

SECTION 1. The town of Milford may convey water from land owned by Stephen Mathewson to Vernon Grove Cemetery, and may erect a reservoir on land of said Mathewson, and convey the water thence in pipes to said cemetery through land of George W. Cook, Cornelius Cronan, John Newgent and Abel Albee, and may erect, maintain and establish public fountains within the limits of said cemetery.

May convey water to cemetery and erect fountains.

SECTION 2. Said town shall be liable to pay all damages sustained by any persons in their property by the taking of any lands, water, water sources or water rights, or by the construction of any aqueducts, reservoirs or other works for the purposes aforesaid. If any person sustaining damages as aforesaid cannot agree with the town upon the amount of such damages, he may have them assessed by the county commissioners for the county of Worcester, by making a written application therefor within one year after sustaining such damages; and either party aggrieved by the doings of said commissioners in the estimation of said damages, may have the same settled by a jury; and the said commissioners and jury shall have the same powers, and the proceedings shall in all respects be conducted in the same manner as provided in case of taking land for highways.

Liability for damages.

SECTION 3. This act shall take effect upon its passage.

Approved March 12, 1872.

AN ACT TO CONSOLIDATE THE MILL RIVER AND WILLIAMSBURG RESERVOIR COMPANIES, AND FOR OTHER PURPOSES.

Chap. 96.

Be it enacted, &c., as follows:

SECTION 1. The Mill River Reservoir Company and the Williamsburg Reservoir Company, are hereby authorized and empowered to merge and consolidate their respective corporations, upon such terms as may be mutually agreed upon: *provided*, the said companies, at meetings of their respective stockholders, duly notified, shall, by a vote of a majority in interest of the stockholders present and voting at such meetings, agree so to do. And said consolidated corporation shall have, hold, possess and enjoy all the powers, privileges, rights, franchises, property, claims, demands and

The Mill River and Williamsburg Reservoir Companies may be consolidated by vote of stockholders.

estates which at the time of said merger and consolidation may be held and enjoyed by either of said existing companies, and be subject to all the duties, restrictions, obligations, debts and liabilities to which, at said time, either is subject in severalty.

Additional reservoir may be constructed.

SECTION 2. Said consolidated corporation shall be called The Mill River and Williamsburg Reservoir Company, and is hereby authorized and empowered to construct and maintain an additional reservoir or reservoirs, on Mill River, or any branch or stream tributary thereto, in the towns of Goshen or Williamsburg, for the supply of mills situated on said river; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Real and personal estate.

Capital stock and shares.

SECTION 3. Said consolidated corporation may hold real and personal estate necessary and convenient for the purposes aforesaid; and the capital stock shall not exceed the amount of one hundred thousand dollars, which shall be divided into shares of one hundred dollars each.

Any corporation having interest in mill privilege on river may take stock with consent of Reservoir Company.

SECTION 4. Any corporation established by law in this Commonwealth, and owning or having an interest in any mill privilege on said Mill River, may, with the consent of the said reservoir company, purchase and hold shares in the capital stock thereof, in such number, and of such value, as said corporation may deem expedient.

SECTION 5. This act shall take effect upon its passage.

Approved March 12, 1872.

Chap. 97. AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN TO BORROW MONEY FOR THE PURPOSE OF ALTERING AND REPAIRING THE COURT-HOUSE AT GREENFIELD.

Be it enacted, &c., as follows:

May borrow money to alter and repair court-house in Greenfield.

SECTION 1. The county commissioners of the county of Franklin may borrow, upon the credit of said county, a sum not exceeding forty thousand dollars, for the purpose of altering and repairing the court-house in Greenfield.

SECTION 2. This act shall take effect upon its passage.

Approved March 13, 1872.

Chap. 98. AN ACT MAKING ADDITIONAL APPROPRIATIONS FOR CERTAIN EXPENSES AUTHORIZED IN THE YEAR EIGHTEEN HUNDRED AND SEVENTY-ONE AND PREVIOUS YEARS, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations granted.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid from the ordinary revenue, except in cases otherwise ordered, for the purposes specified herein, to wit:

For printing and binding ordered by the senate or house of representatives, or by the concurrent order of the two branches, a sum not exceeding one thousand three hundred and twelve dollars and thirty-nine cents.

Printing and binding ordered by senate and house.

For printing and binding the series of public documents in the last quarter of the year eighteen hundred and seventy, a sum not exceeding six hundred and eighty-three dollars and one cent.

Printing and binding public documents.

For registration blanks for the secretary's department, a sum not exceeding sixty five dollars and eighty cents.

Registration blanks.

For term reports, a sum not exceeding six hundred and forty-two dollars and fifty cents.

Term reports.

The unexpended balance of the appropriation made in chapter four hundred and eight of the acts of the year eighteen hundred and seventy, in relation to the codification of the railroad laws, amounting to nine hundred and sixteen dollars and seven cents is hereby reappropriated for the same purpose.

Codification of railroad laws.

For incidental expenses of the treasurer's department, a sum not exceeding one hundred and two dollars and eighty-seven cents.

Treasurer. Incidental expenses.

For clerical and other expenses of the tax commissioner's department, a sum not exceeding one thousand seven hundred dollars and eighty-four cents.

Tax commissioner. Clerical and other expenses.

For expenses of the commissioner of corporations, a sum not exceeding fifty dollars.

Commissioner of corporations.

For contingent expenses connected with the apportionment of state and county taxes, in accordance with the provisions of chapter one hundred and twenty-five of the acts of the year eighteen hundred and seventy-one, a sum not exceeding seven hundred and eighteen dollars and seven cents.

Apportionment of state and county taxes. Contingent expenses.

For expenses of the secretary of the board of agriculture, a sum not exceeding thirty-six dollars and forty cents.

Secretary of board of agriculture, expenses.

For incidental expenses of the board of agriculture, a sum not exceeding seventeen dollars and ninety-eight cents.

Board of agriculture, incidental expenses.

For incidental expenses of the board of education, a sum not exceeding one hundred and fifty-one dollars and thirty-four cents, payable from the moiety of the income of the Massachusetts school fund, applicable to educational purposes.

Board of education, incidental expenses.

For the compensation of the employes at the state arsenal in Cambridge, a sum not exceeding thirty dollars and sixty-five cents.

Employes at arsenal.

For the compensation of the state police for the year eighteen hundred and seventy, a sum not exceeding one hundred and fifty-six dollars.

State police.

Nautical
school.

For the current expenses of the Massachusetts nautical school, a sum not exceeding two thousand six hundred and thirty-one dollars and twenty cents.

Tewksbury
state almshouse.
Erecting hospital, etc.

For expenses incurred in erecting, furnishing and heating the hospital at the state almshouse at Tewksbury, in accordance with the provisions of chapter eleven of the resolves of the year eighteen hundred and seventy-one, a sum not exceeding eight hundred and fifty dollars.

Harbor commissioners.

For the compensation and expenses of the harbor commissioners, a sum not exceeding one thousand and seventy-three dollars and thirty-one cents.

Railroad commissioners.

For expenses of the railroad commissioners, a sum not exceeding three hundred and sixty dollars.

Plans for
bridges across
Charles River.

For expenses incurred by the board of harbor commissioners and the board of railroad commissioners in obtaining plans for bridges across Charles River, as authorized by section two of chapter three hundred and one of the acts of the year eighteen hundred and seventy, a sum not exceeding two hundred and fifty dollars.

Construction
and repair of
roads in Mashpee.

For expenses incurred in the construction and repair of roads in the town of Mashpee, agreeably to the provisions of section five of chapter two hundred and ninety-three of the acts of the year eighteen hundred and seventy, a sum not exceeding three hundred dollars.

Mass. Infant
Asylum.

The unexpended balance of the appropriation made in chapter three hundred and ninety-eight of the acts of the year eighteen hundred and seventy-one, for the reimbursement of the Massachusetts infant asylum for the support of infants having no known settlement in the Commonwealth, is hereby made applicable for the same purpose for the present year.

Construction of
road in Gay
Head.

The unexpended balance of the appropriation made in chapter four hundred and seven of the acts of the year eighteen hundred and seventy, for the construction of a road in the town of Gay Head, amounting to three thousand two hundred and eighty-six dollars and fifty-eight cents, is hereby reappropriated for the same purpose: *provided*, that the whole amount to be paid from the state treasury for this purpose, shall not exceed said amount.

State house,
repairs, etc.

For repairs, improvements and furniture for the state house, a sum not exceeding two thousand six hundred and fifty-eight dollars and thirty-seven cents.

Contingent expenses of legislature.

For contingent expenses of the legislature, a sum not exceeding six hundred and ninety-four dollars and three cents.

Bridgewater
state almshouse.

For expenses of the state almshouse at Bridgewater, a sum not exceeding two hundred and fifty dollars.

In the resolve of the present session, authorizing certain repairs at the state prison, a sum not exceeding five thousand four hundred and seventy-five dollars.

State prison,
repairs.

The unexpended balance of the appropriation made in chapter three hundred and ninety-six of the acts of the year eighteen hundred and seventy-one, for the payment of sundry small items of expenditure due and unpaid in previous years, amounting to two hundred and seventy-five dollars, is hereby reappropriated for the same purposes.

Balance of ap-
propriation for
deficiencies,
reappropriated.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1872.

AN ACT IN ADDITION TO AN ACT INCORPORATING THE BRIGHTON BRANCH RAILROAD COMPANY, TO CHANGE THE NAME OF THE SAME, AND FOR OTHER PURPOSES.

Chap. 99.

Be it enacted, &c, as follows:

SECTION 1. The Brighton Branch Railroad Company is hereby authorized to commence its road at any convenient point on the line of the Boston and Albany Railroad, between Cottage Farm station in Brookline and Allston station in Brighton, and to extend the same through the towns of Brighton and Newton to some convenient point on the line of the Boston and Albany Railroad in the town of Needham between Rice's crossing and Grantville station; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to railroad corporations.

Brighton Br.
Railroad Co.

Route of road
from Brookline,
through Bright-
ton and New-
ton, to Need-
ham.

SECTION 2. Said corporation shall hereafter be known by the name of the Brighton and Newton Railroad Company.

Name changed.

SECTION 3. Said corporation may enter with its railroad upon, unite the same with, and use the railroad of the Boston and Albany Railroad Company, and said last named company may enter with its railroad upon, unite the same with, and use the railroad of said Brighton and Newton Railroad Company, subject to the provisions of the general laws.

May enter upon
and use Boston
and Albany
Railroad.

SECTION 4. Said corporation may lease its railroad, franchise and other property to the Boston and Albany Railroad Company, upon such terms as may be agreed by the directors of said corporations respectively, and approved by the stockholders of the same at meetings called for the purpose.

May lease road
to Boston and
Albany R.R.Co.

SECTION 5. The capital stock of said corporation shall not be less than five hundred thousand dollars, and may be increased from time to time by the stockholders to an amount not exceeding one million dollars in all, divided into shares of one hundred dollars each.

Capital stock
and shares.

Newton may hold shares and securities of road not exceeding five per cent. of town valuation.

Proviso.

Road to be located within two years and constructed within four years.

SECTION 6. The town of Newton may subscribe for and hold shares of the capital stock or the securities of said railroad corporation, to an amount not exceeding five per centum of the valuation of said town for the year in which the subscription shall be made: *provided*, that two-thirds of the legal voters of said town present and voting by ballot, and using the check list, at a legal town meeting duly called for the purpose, shall vote to subscribe for such shares or securities: and *provided, also*, that the total amount of all subscriptions of said town, which have been or may be made to the stock or securities of any railroad corporation or corporations under authority of this or any previous act, shall not exceed five per centum of the assessed valuation of said town. Said town may pay for such shares or securities so voted to be taken, out of its treasury, and may raise by loan upon bonds, or tax, or otherwise, any and all sums of money which may be necessary to pay for the same, and may hold and dispose of the same like other town property; and the selectmen of said town, or any agent specially chosen for the purpose, shall have authority to represent said town at any and all meetings of said corporation, and may vote on the whole amount of the stock so held, anything in the general laws to the contrary notwithstanding.

SECTION 7. This act shall take effect upon its passage, and shall be void unless said railroad is located within two years, and constructed within four years from its passage.

Approved March 14, 1872.

Chap. 100 AN ACT TO INCORPORATE THE MECHANICS' SAVINGS BANK, IN HOLYOKE.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

Powers and duties.

SECTION 1. Roswell P. Crafts, Timothy Merrick, James H. Newton, Henry A. Chace, Augustus Stursburg, John Delany, Stephen Holman, their associates and successors, are hereby made a corporation by the name of the Mechanics' Savings Bank, to be located in Holyoke; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or may hereafter be in force applicable to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1872.

Chap. 101 AN ACT TO INCORPORATE THE BRIDGEWATER SAVINGS BANK, IN BRIDGEWATER.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Joseph A. Hyde, Mitchell Hooper, Lafayette Keith, Samuel P. Gates, Lloyd Parsons, their associates and

successors, are hereby made a corporation by the name of the Bridgewater Savings Bank, to be located in the town of Bridgewater; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, applicable to institutions for savings.

Name and purpose.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1872.

AN ACT TO INCORPORATE THE WHITINSVILLE SAVINGS BANK, IN NORTHBRIDGE. *Chap. 102*

Be it enacted, &c., as follows:

SECTION 1. John C. Whitin, Josiah Lasell, Paul W. Dudley, their associates and successors, are hereby made a corporation under the name of the Whitinsville Savings Bank, to be located at Whitinsville, in the town of Northbridge; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, applicable to institutions for savings.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1872.

AN ACT TO CHANGE THE NAME OF THE WEYMOUTH AND BRAINTREE INSTITUTION FOR SAVINGS. *Chap. 103*

Be it enacted, &c., as follows:

SECTION 1. The corporate name of the Weymouth and Braintree Institution for Savings, organized under the provisions of chapter thirty-nine of the acts of the year one thousand eight hundred and thirty-three, is hereby changed, and the said corporation shall hereafter be known and called by the name of the Weymouth Savings Bank.

Name changed.

SECTION 2. This act shall take effect on the first day of July next.

Approved March 19, 1872.

AN ACT TO AUTHORIZE THE ASHBURNHAM RAILROAD COMPANY TO EXTEND AND LEASE ITS ROAD. *Chap. 104*

Be it enacted, &c., as follows:

SECTION 1. The Ashburnham Railroad Company is hereby authorized to extend its road, and for that purpose may locate, construct, maintain and operate a railroad with one or more tracks, from its road in Ashburnham, through Ashburnham and Ashby to the state line of New Hampshire in the town of New Ipswich.

May extend road through Ashburnham and Ashby to New Hampshire line.

SECTION 2. Said company may lease its railroad, franchise and other property to any other railroad corporation

May lease road to any connecting railroad.

with whose road its railroad may connect, upon such terms and conditions as may be agreed upon by the directors of the contracting corporations, and approved by the stockholders of said corporations at meetings called for the purpose.

SECTION 3. This act shall take effect upon its passage.

Approved March 19, 1872.

Chap. 105 AN ACT TO INCREASE THE CAPITAL STOCK OF THE FITCHBURG RAILROAD COMPANY.

Be it enacted, &c., as follows :

\$1,000,000 additional capital stock.

SECTION 1. The Fitchburg Railroad Company may increase the capital stock which they are now empowered to issue to the extent of one million dollars to provide for the extension of their business.

May issue seven per cent. bonds instead of increasing capital. Proviso.

SECTION 2. Said company as a substitute for all or any part of said stock may issue bonds drawing interest not exceeding seven per centum: *provided*, that the whole amount of stock and bonds issued under this act shall not exceed said sum of one million dollars.

Approved March 19, 1872.

Chap. 106 AN ACT TO REVIVE THE CHARTER OF THE WORCESTER AND SHREWSBURY STREET RAILWAY COMPANY.

Be it enacted, &c., as follows :

Charter revived.

SECTION 1. Chapter two hundred and thirty-three of the acts of the year eighteen hundred and seventy, entitled "An Act to incorporate the Worcester and Shrewsbury Street Railway Company," is hereby revived and continued in force, except so much of section two of said act as relates to the location in the city of Worcester. And the time for locating said railroad is hereby extended for two years, and for the completion of the same, three years from the passage of this act.

Time for locating extended.

May connect with Worcester Street Railway at Washington Square.

SECTION 2. Said corporation is hereby authorized to locate its roadway so as to connect with the Worcester Street Railway at Washington square in Worcester, thence easterly over Shrewsbury street, highways and private lands to the east end of the causeway at Quinsigamond Lake; and may construct, maintain and operate said roadway, when twenty-five thousand dollars shall have been subscribed and paid in in cash.

Nothing in this act shall authorize the location of said railway through lands belonging to the Commonwealth.

Approved March 19, 1872.

AN ACT TO AMEND AN ACT CONCERNING THE DIVISION OF FLATS.

Chap. 107

Be it enacted, &c., as follows :

Section seven of chapter three hundred and thirty-eight of the acts of the year eighteen hundred and seventy-one shall not be taken to affect any proceedings which had already been commenced and were pending, at the time of the passage of said act, under chapter three hundred and six of the acts of the year eighteen hundred and sixty-four.

Proceedings under 1864, 306, not to be affected by 1871, 338, § 7.

Approved March 19, 1872.

AN ACT TO INCREASE THE SALARIES OF THE JUSTICE AND CLERK OF THE POLICE COURT OF CHARLESTOWN.

Chap. 108

Be it enacted, &c., as follows :

SECTION 1. The justice of the police court of Charlestown shall hereafter receive an annual salary of sixteen hundred dollars, and the clerk thereof an annual salary of one thousand dollars.

Salaries of justice and clerk.

SECTION 2. This act shall take effect on the first day of July next:

Approved March 19, 1872.

AN ACT TO ANNEX A PART OF SANDWICH TO MASHPEE.

Chap. 109

Be it enacted, &c., as follows :

The second section of chapter sixty-seven of the acts of the year eighteen hundred and sixty is hereby repealed, and the territory thereby annexed to the town of Sandwich is hereby set off from said town and annexed to the town of Mashpee.

Part of Sandwich annexed to Mashpee.

Approved March 19, 1872.

AN ACT IN RELATION TO THE UNIFORMS OF DISBANDED MILITIA COMPANIES.

Chap. 110

Be it enacted, &c., as follows :

SECTION 1. Any militia company which has been uniformed under the provisions of chapter three hundred and thirty-two of the acts of the year one thousand eight hundred and sixty-nine, and which shall hereafter be disbanded, shall turn its uniforms over to the quartermaster of the regiment to which the disbanded company was attached; such uniforms to be held by the quartermaster, subject to the direction of the regimental commander, for the use of any company which may be organized to take the place of the disbanded company, or for the supply of recruits to any of the companies of the regiment.

Uniforms of companies, hereafter disbanded to be held by quartermaster's for use of company organized in its place, or for recruits of other companies in the regiment.

SECTION 2. The regimental officers of any regiment to which any company heretofore disbanded belonged, and which was uniformed under the provisions of said chapter, are hereby authorized to secure, as far as possible, the uni-

Uniforms of companies heretofore disbanded to be secured as far as possible.

forms of any such company, and turn them over to the quartermaster of the regiment, to be held and disposed of as provided in the preceding section.

SECTION 3. This act shall take effect upon its passage.

Approved March 19, 1872.

Chap. 111 AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL TO BORROW MONEY FOR THE PURPOSE OF COMPLETING THE ERECTION OF A NEW JAIL AT TAUNTON.

Be it enacted, &c., as follows:

Commissioners
may borrow
money to com-
plete jail at
Taunton.

SECTION 1. The county commissioners of the county of Bristol may borrow a sum not exceeding seventy-five thousand dollars, in addition to the sum authorized by chapter three hundred and thirteen of the acts of the year eighteen hundred and seventy-one, to complete the erection of a new jail at Taunton.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1872.

Chap. 112 AN ACT TO AUTHORIZE THE TOWN OF WESTPORT TO CONSTRUCT A BRIDGE OVER THE EAST BRANCH OF WESTPORT RIVER.

Be it enacted, &c., as follows:

May build
bridge over
Westport
River.

SECTION 1. The selectmen of the town of Westport may lay out a way, and said town may construct and maintain a bridge over the east branch of Westport River, from Westport Point to Horse Neck Beach, both in said town, subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1872.

Chap. 113 AN ACT TO AUTHORIZE THE CITY OF FALL RIVER TO CONSTRUCT A BRIDGE OVER FALL RIVER CREEK.

Be it enacted, &c., as follows:

May build
bridge over
Fall River
Creek.

Proviso.

SECTION 1. The mayor and aldermen of the city of Fall River, with the concurrent vote of the common council, may lay out a street or town way and construct a bridge over Fall River Creek in Fall River, at such place between Central Street Bridge and the westerly end of Slade's wharf as they shall deem expedient: *provided*, if they shall lay out and construct said bridge, so the northerly side thereof shall be more than sixty feet distant from the northerly side of said Central Street Bridge, then they shall construct said bridge with a suitable draw to accommodate navigation, and not otherwise: *provided, also*, that the said bridge and draw shall be con-

Proviso.

structed in a manner approved by the harbor commissioners according to the provisions of section four, chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1872.

AN ACT TO SUPPLY THE VILLAGE OF SOUTH HADLEY FALLS WITH WATER. Chap. 114

Be it enacted, &c., as follows :

SECTION 1. Fire district number one of the town of South Hadley is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam and for domestic and other purposes ; and may establish public fountains and hydrants, and regulate their use and may discontinue the same and may fix and collect rents for the use of such water.

First fire district of South Hadley may supply itself with water.

SECTION 2. Said district, for the purpose aforesaid, may take and hold the water of Buttery Brook at or near land of the heirs of Alonzo Lamb, deceased, or such other natural water sources within its own limits as will give a sufficient supply of water ; and may also take and hold all land necessary for raising, holding and preserving such water, and conveying the same to any and all parts of said district ; and may erect thereon proper dams, buildings, fixtures and other structures and make excavations and procure and run machinery therefor ; and for that purpose may construct and lay down, conduits, pipes and drains, under or over any water-course or railroad and along any street, highway or other way in such manner as not to obstruct the same, and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other proper purposes of this act, may dig up any such street, highway or other way ; but all things done upon any street, highway or other way shall be subject to the direction of the selectmen of said town ; and all things done upon any railroad shall be subject to the direction of the county commissioners for the county of Hampshire : *provided*, that within sixty days after the time of taking any land or water sources as aforesaid, said fire district shall file in the registry of deeds for the county of Hampshire a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same is taken.

May take water of Buttery Brook.

May erect dams, etc.

May dig up highways.

Proviso.

SECTION 3. Said fire district may purchase from the owner or owners of any aqueduct within its limits his or their

May purchase any aqueduct within its limits.

whole water right, estate, properties, franchise, and privileges, and by such purchase become entitled to all the rights and privileges and subject to all the duties and liabilities appertaining and belonging to such owner or owners: *provided, however*, that said fire district shall not exercise such authority to purchase without the sanction of a majority of the voters thereof present and voting thereon at a legal meeting duly called for that purpose and at which the check list shall be used.

Liability for damages.

SECTION 4. Said fire district shall be liable to pay all damages sustained by any persons on their property by the taking of any lands, water, water sources, or water rights, or by the construction of any aqueduct, reservoir, or other works for the purposes aforesaid. If any persons sustaining damages as aforesaid cannot agree with the fire district upon the amount of such damages, he may have the same assessed by the county commissioners for the county of Hampshire by making a written application therefor within one year after sustaining such damages; and either party aggrieved by the doings of said commissioners in the estimation of said damages may have the same determined by a jury; and the said commissioners and jury shall have the same power and the proceedings shall in all respects be conducted in the same manner as provided in case of taking land for highways.

May issue bonds not exceeding \$60,000.

SECTION 5. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said fire district may issue bonds signed by the clerk and countersigned by the prudential committee, to be denominated "South Hadley Falls Water Bonds," to an amount not exceeding sixty thousand dollars, payable at periods not exceeding twenty-five years from the date thereof, with interest payable semi-annually at a rate not exceeding seven per centum per annum; and said fire district may sell said bonds at public or private sale upon such terms and conditions as it may deem proper; and may raise money by taxation in the manner prescribed by law, to pay said bonds and interest thereon when due; but said fire district shall not raise more than two thousand five hundred dollars in any one year to pay the principal of said bonds, except the year on which the same may become due.

Powers granted may be exercised by agents.

SECTION 6. The rights, powers and privileges hereby granted may be exercised by such officers, agents and servants as such fire district shall elect or employ, who shall act in accordance with the votes of said fire district.

Penalty for diverting water

SECTION 7. Any person who shall maliciously divert the water or any part thereof taken and used under the provi-

sions of this act, or who shall maliciously corrupt the same, or render it impure, or who shall maliciously destroy or injure any dam, aqueduct, pipe, hydrant or other property real or personal, held, owned or used by said fire district for the purpose of this act, shall pay three times the actual damage to said fire district, to be recovered by an action of tort. Any such person, on conviction of either of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars and imprisonment not exceeding six months.

or maliciously corrupting the same.

SECTION 8. Said fire district is hereby made and declared to be a body corporate so far as to take and hold property for the purposes mentioned in this act, and to prosecute and defend in all actions relating to the property and affairs of said district.

Fire district to be a body corporate for purposes of this act.

SECTION 9. Said fire district may elect or employ such officers or agents as it may see necessary to effect the purposes of this act, subject to such rules and regulations as it may adopt at a meeting called for that purpose.

May elect or appoint agents.

SECTION 10. This act shall take effect upon its passage.

Approved March 19, 1872.

AN ACT TO AUTHORIZE THE CITY OF SOMERVILLE TO ISSUE ADDITIONAL WATER BONDS.

Chap. 115

Be it enacted, &c., as follows:

SECTION 1. The city of Somerville may, for the purposes mentioned in the first section of chapter two hundred and two of the acts of the year eighteen hundred and sixty-eight, issue bonds to an amount not exceeding two hundred thousand dollars in addition to the amounts authorized to be raised by taxation or to be borrowed by said act and by chapter seventy-two of the acts of the year eighteen hundred and seventy.

Somerville may issue additional water bonds.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1872.

AN ACT TO AUTHORIZE THE TOWN OF MALDEN TO ISSUE ADDITIONAL WATER FUND BONDS.

Chap. 116

Be it enacted, &c., as follows:

SECTION 1. The town of Malden may, for the purposes mentioned in the third section of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, issue bonds to an amount not exceeding one hundred thousand dollars, in addition to the amount therein authorized to be issued, upon like terms and conditions, and with like powers in all respects as are provided in said act for the issue of bonds of said town.

Malden may issue additional water bonds.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1872.

Chap. 117 **AN ACT TO INCORPORATE THE HINGHAM PUBLIC LIBRARY.***Be it enacted, &c., as follows:***Corporators.**

SECTION 1. Calvin Lincoln, Solomon Lincoln, Ezra Stephenson, Fearing Burr, Jonathan Tilson, Quincy Bicknell, George Hersey, William Fearing, second, Elijah Shute, Amasa Whiting, David Whiton, Arthur Lincoln, Thomas S. Bouvé, Albert Fearing, Lincoln Fearing, their associates and successors, are hereby made a corporation by the name of the Hingham Public Library, for the purpose of maintaining a public library in Hingham; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force, applicable to such corporations.

Name and purpose.**Powers and duties.****Real and personal estate.**

SECTION 2. Said corporation may hold real and personal estate for the purposes aforesaid, to an amount not exceeding one hundred and fifty thousand dollars, exclusive of books, papers, collections in natural history and works of art.

Members not to be less than ten nor more than fifteen.

SECTION 3. The members of said corporation shall not be less than ten or more than fifteen in number, and all vacancies occurring therein may be filled at such times and in such manner as the corporation may determine.

May receive grants and donations.

SECTION 4. Said corporation may receive and hold for the purposes aforesaid, any grants, donations or bequests, under such conditions and rules as may be prescribed in such grants, donations and bequests: *provided* the same are not inconsistent with the provisions of law.

May adopt rules for management and use of library.

SECTION 5. Said corporation shall have power to adopt proper regulations for the use and management of the library, and so long as it shall allow the inhabitants of Hingham free access to and use of its library, said town may annually appropriate and pay to said corporation money to aid in supporting the same.

SECTION 6. This act shall take effect upon its passage.

*Approved March 19, 1872.***Chap. 118** **AN ACT TO AUTHORIZE THE FRANKLIN LIBRARY ASSOCIATION TO TRANSFER ITS PROPERTY TO THE CITY OF LAWRENCE.***Be it enacted, &c., as follows:***May sell books to Lawrence for public library.**

SECTION 1. The Franklin Library Association may sell, transfer and convey all its books and personal property to the city of Lawrence, for the purpose of establishing a public library in said city, upon such terms and conditions as may be agreed upon by said association and the city council of said city.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1872.

AN ACT TO AUTHORIZE THE SOMERSET IRON COMPANY TO EXTEND *Chap. 119*
ITS WHARF IN TAUNTON RIVER.

Be it enacted, &c., as follows:

SECTION 1. License is hereby given to the Somerset Iron Company to extend its wharf in Taunton River, within such limits as the harbor commissioners may determine and direct: *May extend wharf in Taunton River.*
provided, that all things done under this act shall be subject *Proviso.* to the provisions of the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, so far as applicable.

SECTION 2. This act shall take effect upon its passage.

Approved March 19, 1872.

AN ACT TO INCORPORATE THE STONEHAM ODD FELLOWS' HALL ASSOCIATION. *Chap. 120*

Be it enacted, &c., as follows:

SECTION 1. Benjamin F. Richardson, Amos Hill, William B. Stevens, George W. Dike, Padilla Beard and Benjamin Hibbard, their associates and successors, are hereby made a corporation by the name of the Stoneham Odd Fellows' Hall Association, for the purpose of managing and administering the funds belonging to said association, and for the purpose of erecting or purchasing a building in the town of Stoneham, and maintaining the same for the accommodation and purposes of an Odd Fellows' Hall, and for any other lawful purpose; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations. *Corporators.*
Name and purpose.
Powers and duties.

SECTION 2. The capital stock of said corporation shall not exceed twenty-five thousand dollars, divided into shares of one hundred dollars each; and said corporation may hold for the purposes aforesaid, real and personal estate not exceeding the amount of its capital stock: *provided*, that said corporation shall incur no liability until seven thousand five hundred dollars of its capital stock has been paid in in cash. *Capital stock and shares.*
No liability to be incurred until \$7,500 has been paid in.

SECTION 3. This act shall take effect upon its passage.

Approved March 19, 1872.

AN ACT TO INCORPORATE THE PROPRIETORS OF THE HUNTINGTON HOUSE IN BOSTON. *Chap. 121*

Be it enacted, &c., as follows:

SECTION 1. Isaac S. Cruft, Charles R. Thayer and Charles Hale, their associates and successors, are hereby made a *Corporators.*

Name and purpose.	corporation by the name of The Proprietors of the Huntington House, for the purpose of owning and maintaining a family hotel, situated on the corner of Boylston and Clarendon Streets, in the city of Boston; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, applicable to such corporations.
Powers and duties.	
Capital stock and shares.	SECTION 2. The capital stock of said corporation shall be one hundred and twenty-five thousand dollars, to be divided into shares of one hundred dollars each, with liberty to increase the same, by vote of the corporation, to any amount not exceeding three hundred thousand dollars: <i>provided</i> , that the said corporation shall incur no liability until at least twenty-five thousand dollars shall have been paid in in cash.
Proviso.	
Not to engage in business of hotel keeping.	SECTION 3. Said corporation shall not carry on the business of hotel keeping, nor in any way be interested in such business.
	SECTION 4. This act shall take effect upon its passage.
	<i>Approved March 19, 1872.</i>

Chap. 122 AN ACT TO AUTHORIZE THE CONNECTICUT RIVER RAILROAD COMPANY TO CONTRACT FOR RIGHTS OF WAY OVER CONNECTING ROADS.

Be it enacted, &c., as follows :

May contract to connect with railroad in Vermont. SECTION 1. The Connecticut River Railroad Company may contract with the Vermont and Massachusetts Railroad Company, or with the lessees of that part of the railroad of said company lying within the state of Vermont, or with any connecting railroad company in Vermont, for a lease of its road, or for a right of way in common over the same upon such terms and conditions as may be agreed upon by the directors, and ratified by the stockholders of the connecting corporations at a meeting duly called for the purpose.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1872.

Chap. 123 AN ACT TO EXTEND THE TIME FOR THE LOCATION AND CONSTRUCTION OF THE ATHOL AND ENFIELD RAILROAD.

Be it enacted, &c., as follows :

Time for location and construction extended. SECTION 1. The time for the location and construction of the Athol and Enfield Railroad is extended two years from the passage of this act.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1872.

AN ACT TO AUTHORIZE THE ATHOL AND ENFIELD RAILROAD COMPANY TO EXTEND ITS RAILROAD FROM BARRETT'S STATION TO SPRINGFIELD. *Chap. 124*

Be it enacted, &c., as follows:

SECTION 1. The Athol and Enfield Railroad Company may extend its railroad, with one or more tracks from its present terminus at or near Barrett's Station in the town of Belchertown, through Belchertown, Ludlow, Wilbraham and Springfield, or any of said towns to some convenient point on the line of the Boston and Albany Railroad or the Connecticut River Railroad, in the city of Springfield.

May extend road to Boston and Albany, or Connecticut River Railroad, in Springfield.

SECTION 2. Said corporation may enter with its railroad upon, unite the same with and use the railroad of the Boston and Albany Railroad Company, or of the Connecticut River Railroad Company, or either of them, and said last named corporations may respectively enter with their railroads upon, unite the same with, and use the railroad of said Athol and Enfield Railroad Company, subject to the provisions of the general laws.

May enter upon or unite with other railroads.

SECTION 3. Said Athol and Enfield Railroad Company may cross with its railroad the railroads of other corporations on the line of its location, in such manner and upon such terms as shall be agreed upon by the parties, or, in case of disagreement, as shall be determined by the board of railroad commissioners; but said Athol and Enfield Railroad Company shall not construct its road across the railroad of the Boston and Albany Railroad Company at grade, nor at a height less than eighteen feet above the tracks of said Boston and Albany Railroad.

May cross other railroads.

SECTION 4. The extension hereby authorized shall be located within one year, and constructed within two years from the passage of this act.

To be located within one year, and constructed within two years.

SECTION 5. This act shall take effect upon its passage.

Approved March 20, 1872.

AN ACT REQUIRING COUNTY COMMISSIONERS TO PROVIDE ROOMS FOR THE USE OF PROBATE COURTS. *Chap. 125*

Be it enacted, &c., as follows:

SECTION 1. The county commissioners of the several counties shall provide suitable rooms for the use of the probate courts in their respective counties, in those towns wherein terms or sessions of said courts are now or hereafter may be by law required to be held.

County commissioners to provide rooms for the use of probate courts.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1872.

Chap. 126 AN ACT TO INCORPORATE THE NEW ENGLAND MUTUAL INSURANCE COMPANY.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

Powers and duties.

Not to issue policies until \$200,000 paid in, in cash.

Dividends to holders of permanent fund.

Permanent fund may be increased to \$400,000.

Certificates may be issued for dividends of remainder of net profits.

Directors.

SECTION 1. George C. Lord, Alpheus Hardy, Osborn Howes, their associates and successors, are hereby made a corporation, by the name of the New England Mutual Insurance Company, in the city of Boston, for the purpose of insuring against marine and fire losses, and losses in inland transportation, on the mutual principle; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations, except as hereinafter provided.

SECTION 2. Said corporation shall not issue policies until a permanent fund of not less than two hundred thousand dollars divided into shares of one hundred dollars each, has been subscribed and paid in in cash.

SECTION 3. The holders of said permanent fund shall be entitled to a net semi-annual dividend not exceeding six per centum on their respective shares, if the net profits and income of the company, after providing for all expenses, losses and liabilities then incurred, including a sum sufficient to re-insure all outstanding risks, as provided by the laws of the Commonwealth, is sufficient to pay the same; and if any such dividend is less than six per centum, it shall be made up when such net profits and income become sufficient therefor.

SECTION 4. In case the corporation shall deem it for their interest, they may receive subscriptions under the provisions of the thirty-fifth section of the fifty-eighth chapter of the General Statutes to an amount which, added to said permanent fund may equal the sum of four hundred thousand dollars.

SECTION 5. The directors may declare each year a dividend of the remainder of such net profit and income on the premiums received on risks terminated during that year and issue certificates therefor as provided in the general laws relating to mutual marine and fire insurance companies. Such certificates shall be subject to all the provisions of such general laws relating to certificates represented by mutual marine and fire insurance companies, and the redemption of the same.

SECTION 6. The directors of said company shall be elected by the proprietors of said permanent fund.

SECTION 7. This act shall take effect upon its passage.

Approved March 23, 1872.

AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING
THE SPRINGFIELD AND FARMINGTON VALLEY RAILROAD, AND TO
AUTHORIZE A CHANGE OF THE LOCATION OF SAID ROAD. *Chap. 127*

Be it enacted, &c., as follows:

SECTION 1. The time limited by statute for the location and construction of the Springfield and Farmington Valley Railroad, is hereby extended three years. *Time extended for location and construction.*

SECTION 2. The second section of chapter one hundred and sixty-eight of the acts of the year eighteen hundred and fifty-six, is hereby amended so as to permit the location and construction of said railroad upon a route commencing at the south line of the state, either in the town of Southwick or Agawam, at the termination of any railroad incorporated by the state of Connecticut, and running by any convenient route in the town of Southwick, Agawam or West Springfield, to and across the Connecticut River to some convenient point in the city of Springfield: *provided*, that said corporation shall take no land of the Hartford and New Haven Railroad Company north of State street in Springfield. *Amendment to 1856, 168, § 2. Proviso.*

SECTION 3. This act shall take effect upon its passage.

Approved March 23, 1872.

AN ACT TO AUTHORIZE THE CONNECTICUT RIVER RAILROAD COMPANY TO PURCHASE THE MOUNT TOM AND EASTHAMPTON RAILROAD, AND TO INCREASE ITS CAPITAL STOCK. *Chap. 128.*

Be it enacted, &c., as follows:

SECTION 1. The Connecticut River Railroad Company may purchase the railroad, franchise and other property of the Mount Tom and Easthampton Railroad Company, upon such terms and conditions as may be agreed upon by the stockholders of the two corporations. *Connecticut River Railroad Co. may purchase the Mount Tom Easthampton Railroad.*

SECTION 2. The Connecticut River Railroad Company may increase its capital stock to such an amount as may be necessary to purchase the railroad, franchise and other property of the Mount Tom and Easthampton Railroad Company at its original cost, not exceeding one hundred and twenty thousand dollars. *May increase capital stock.*

SECTION 3. This act shall take effect upon its passage.

Approved March 23, 1872.

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF THE COUNTY OF BRISTOL TO LAY OUT A HIGHWAY AND CONSTRUCT A BRIDGE OVER TAUNTON GREAT RIVER. *Chap. 129.*

Be it enacted, &c., as follows:

SECTION 1. The county commissioners of the county of Bristol, if in their opinion the public convenience and neces- *County commissioners may lay out highways and build*

bridge over
Taunton Great
River, between
Dighton and
Berkley.

Assessment for
cost of building
and maintain-
ing bridge and
draw.

May borrow
\$8,000 on the
credit of the
county.

sity require, may lay out a highway and construct a bridge over Taunton Great River, so called, between the towns of Dighton and Berkley, near the common landing place, at the location of the old Dighton and Berkley bridge, with a suitable and convenient draw for the passage of vessels; and said commissioners, after due public notice and hearing, may assess the costs thereof upon said county, and such cities and towns therein, as in their judgment will derive a special benefit therefrom, or they may assess the whole cost of the same upon said county, if deemed by them just and reasonable; and after said bridge shall have been constructed, the cost of maintaining and repairing the same, and tending the draw, shall be paid by the county, or such cities and towns in said county, or partly by both said county and such cities and towns, and in such proportions as said commissioners shall determine. Said commissioners shall in all respects, except as aforesaid, proceed in the same manner as is now provided by law for laying out and constructing highways; and the provisions of this section shall be subject to the approval of the harbor commissioners, as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

SECTION 2. The county commissioners of said county may borrow, on the credit of said county, a sum not exceeding eight thousand dollars, for the purpose of carrying into effect the provisions of this act.

SECTION 3. This act shall take effect upon its passage.

Approved March 23, 1872.

Chap. 130

AN ACT TO ESTABLISH A FREE BRIDGE ACROSS THE CONNECTICUT RIVER, BETWEEN SPRINGFIELD AND WEST SPRINGFIELD.

Be it enacted, &c., as follows:

County com-
missioners may
construct high-
way and bridge
across Connect-
icut River.

SECTION 1. The county commissioners of Hampden County may, if in their opinion the public convenience and necessity require the same, lay out and construct a highway and bridge, with suitable approaches thereto, across the Connecticut River, from the easterly end of the common in West Springfield to some point in Springfield opposite thereto; and may also lay out and construct a public highway, to connect the said bridge with the Plainfield road, so called, in said Springfield.

May provide
that portion of
bridge may be
used for street
railway.

SECTION 2. Said commissioners may, if they deem it expedient, in constructing said bridge provide for the use of a portion thereof for street railway purposes, and shall at all

times after the completion of said bridge have authority to determine upon what terms and under what conditions street railways may be laid and used upon and across said bridge.

SECTION 3. Before proceeding to locate said bridge and to lay out and establish said highway, the said commissioners shall give notice of the time when and the place at which they will meet to hear all parties interested, by causing a notice of such time and place to be published for two successive weeks in some newspaper published in said county.

To give notice of time and place for a hearing, before laying out, etc.

SECTION 4. The said commissioners shall estimate and award damages, occasioned by the location of said bridge, and the laying out of said highway, in the same manner as is now provided by law in the case of laying out highways, and any person aggrieved by the award of said commissioners shall have a like remedy by application for a jury as in the case of laying out highways under the provisions of the General Statutes.

Damages.

SECTION 5. All expenses incurred under this act, including all expense of maintaining and keeping in repair said bridge, its approaches and the said highway, shall be borne and paid by the city of Springfield and the town of West Springfield, in such proportions and in such manner as shall be determined under the following provisions.

Expense of maintaining and keeping in repair, to be borne by Springfield and W. Springfield.

SECTION 6. When such bridge and highway are completed and the full cost thereof ascertained, including therein all land damages awarded or assessed, said county commissioners shall file a report of the fact, together with the amount of such cost, in the office of the clerk of the supreme judicial court of the county of Hampden, whereupon, and upon the application of the county commissioners or any party interested, and after such notice as the court may order, said court may appoint a board of three commissioners, who shall be sworn to the faithful discharge of duties hereunder, to said county and to the cities and towns interested, served in such manner as the court may direct, and a hearing of such of said parties as may desire to be heard, shall award and determine what proportional part of the cost so reported, and what proportional part of the cost of maintaining and keeping said bridge and highway in repair, and all other expenses incurred under this act, shall be borne and paid by the city of Springfield and town of West Springfield as they shall award and determine will be specially benefited thereby, and they shall also award how and by whom and to whom such proportional amounts shall be paid.

County commissioners to file in the clerk's office of S. J. C. the amount of cost of bridge.

Three commissioners may be appointed to apportion cost between Springfield and W. Springfield.

Award of commissioners to be binding upon all parties named therein.

SECTION 7. The determination and award of said commissioners, or a majority of them, shall be by them reported in writing to the supreme judicial court for said county, and upon the acceptance thereof by said court and judgment and decree entered thereon, shall be binding upon all parties named therein, and such proceedings may be had upon such judgment and decree to enforce and carry the same into effect as is provided by law in civil cases in said court.

Compensation and expenses of commission.

The compensation and expenses of said commission shall be paid in such manner as they shall by their award determine, subject to the approval of the said court; and all matters and things provided by this act to be done in and by said court, except the final judgment and decree, may be done by any justice thereof as well in vacation as in term time.

Springfield and W. Springfield to have care of bridge, and Springfield care of highway.

SECTION 8. After the completion of said bridge and highway, the city of Springfield and the town of West Springfield shall have the care and superintendence of the said bridge, its abutments and piers, and the city of Springfield of the highway leading from said bridge to the Plainfield road, and shall cause them to be kept in good repair and safe and convenient for travel; the cost of the said repairs, care and superintendence to be borne by such parties as the said board of commissioners shall determine under the authority herein before granted.

Cost of repairs, etc., to be apportioned by commissioners.

Liability for defects in bridge and highway.

SECTION 9. Liability for defects in the bridge, its piers and abutments, shall exist on the part of the town of West Springfield and the city of Springfield, in such proportions as by the award of said commission they severally pay towards the cost of keeping the same in repair; liability for defects in the highway leading from said bridge to the Plainfield road shall exist only upon the part of the city of Springfield.

County commissioners may borrow \$150,000 on the credit of the county.

SECTION 10. The county commissioners of said county may borrow on the credit of said county a sum not exceeding one hundred and fifty thousand dollars for the purpose of carrying into effect the provisions of this act.

Bridge not to be travelled upon, until expiration of right of Springfield Bridge Co. to take tolls.

The said bridge shall not be open for travel, and no travel shall be permitted thereon, until the expiration of the right of the Springfield Bridge Company to take tolls, as provided by its charter.

Approved March 28, 1872.

Chap. 131

AN ACT TO MAKE FREE THE EXISTING BRIDGE OVER THE CONNECTICUT RIVER, BETWEEN SPRINGFIELD AND WEST SPRINGFIELD.

Be it enacted, &c., as follows:

Bridge between Springfield and W. Springfield

SECTION 1. The bridge over the Connecticut River, between Springfield and West Springfield, including its piers

and abutments, is hereby laid out and shall become a public highway on the first day of July next, and no tolls shall be demanded or received for passing thereon on or after that date.

SECTION 2. The supreme judicial court sitting in any county, or any justice thereof, after such notice as it may order upon the application of the proprietors of the Springfield Bridge, or of ten legal voters of Springfield or of West Springfield, shall appoint a board of commissioners consisting of three disinterested and suitable persons, not residents of the county of Hampden, and said commissioners, having been duly sworn to the faithful and impartial discharge of their duties, shall, after due notice to all the parties interested, and a hearing, determine and award the amount to be paid to the said proprietors of the Springfield Bridge as damages for the laying out of said bridge, piers and abutments and way as a public highway, and for the land, toll-house and all appurtenances thereof belonging to the said company. Said commissioners shall also determine and decree what cities and towns in the county of Hampden are or will be specially benefited by the provisions of the first section of this act, and shall determine and decree what proportions of the damages aforesaid shall be paid by the said cities and towns, and by the county of Hampden, respectively. Said commissioners shall also determine in what proportions and manner the said county of Hampden, and cities and towns benefited as aforesaid, shall defray the expenses of the maintenance and repairs of said bridge, abutments, piers and way, and all other expenses properly incurred under the provisions of this act; and their determination and decree, or that of a major part of them, shall be made in writing, and reported to the supreme judicial court for the county of Hampden, and also to said proprietors of the Springfield Bridge, and to each of said cities and towns, and to the county commissioners of Hampden county; and the same shall be binding upon all the parties interested therein, except that the said proprietors of the Springfield Bridge may appeal to a jury from the award of the commissioners. And if the said corporation shall not appeal to a jury within sixty days after receiving the award and decree of said commissioners as aforesaid, then the same shall be absolutely binding upon all the parties interested therein. When the same shall have been accepted and judgment entered thereon by the supreme judicial court, the just fees and expenses of said commissioners shall be paid by such of the parties interested as the said commissioners may decree: *provided*, that no part thereof shall be assessed upon said bridge corporation.

to be free, July 1, 1872.

Commissioners to award damages to be paid to proprietors of the Springfield Bridge, to be appointed by S. J. C.

Commissioners to determine how damages shall be apportioned, and how and by whom cost of repairs, etc., shall be borne.

Proprietors of bridge may appeal to a jury.

Appeal to jury to be made to and acted upon by Worcester county commissioners.

Jurors.

Jury to report award to S.J.C. for Hampden County.

Bridge to be kept in repair, and cost thereof to be apportioned by commissioners.

Liability for defects in bridge.

Fee simple in toll-house, land, etc., vested in Hampden County.

SECTION 3. If the said bridge corporation shall appeal to a jury from the award of the said commissioners as aforesaid, their application for a jury shall be made to and acted upon by the county commissioners of Worcester county, and the jurors shall be drawn from said county, but the hearing may be had before said jury in the county of Hampden. In all other respects the same proceedings shall be had, and the same liability shall exist in regard to costs incurred as is provided by law in the case of laying out highways by the county commissioners. The said jury may revise the award of said commissioners, so far as relates to the amount to be paid to the said bridge corporation, and shall report their award to the supreme judicial court for the county of Hampden, and when the same shall have been accepted final judgment shall be entered upon the award of the commissioners aforesaid as modified by the award of said jury. All damages awarded and costs incurred under this section, shall be paid by the same parties and in the same proportions as provided in relation to the payment of damages in section second.

SECTION 4. Upon the said bridge, piers, abutments and way becoming a highway as aforesaid, the city council of Springfield and the selectmen of West Springfield shall have the care and superintendence of the same, and cause them to be kept in good repair and safe and convenient for travel; the cost of the repairs, care and superintendence of said bridge, its abutments and piers, shall be borne by such parties as the board of commissioners shall determine under authority herein before granted.

SECTION 5. Liability for defects in the bridge, its abutments and piers shall exist on the part of Springfield and West Springfield, in such proportions as the county commissioners of the county of Hampden shall determine.

SECTION 6. Upon the bridge becoming a public highway, as herein provided, the fee simple in the toll-house, land and appurtenances thereof, belonging to the aforesaid bridge corporation, lying east of said bridge, shall be vested in the county of Hampden, and the income thereof, or the proceeds, in case of a sale thereof, shall be used in paying for said bridge.

SECTION 7. This act shall take effect upon its passage.

Approved March 28, 1872.

AN ACT IN ADDITION TO AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HAMPDEN COUNTY TO CONSTRUCT TWO DIKES IN THE TOWN OF WEST SPRINGFIELD.

Chap. 132

Be it enacted, &c., as follows:

SECTION 1. For the purpose of protecting and maintaining the southerly dike built under the provisions of the above-named act, the county commissioners of Hampden county are hereby authorized and directed to change the course and channel of the Agawam River, from some convenient point above the said dike so that the said river shall flow through or near the old bed, so called, in the town of Agawam, and for the purpose aforesaid are hereby authorized and empowered to erect and maintain a dam across said river, and dig and excavate a new channel therefor, and also to take, use and appropriate all the land, soil and earth necessary to be used or occupied in the construction of the said dam and channel.

County commissioners may change course of Agawam River for protection of dike.

SECTION 2. Before proceeding to locate said dam, channel and the land to be used and taken as aforesaid, the said county commissioners shall cause notice to be published for two successive weeks in some newspaper printed in said county of the time when, and the place where, they will meet to hear the parties interested, and to fix and determine the location aforesaid.

To give notice to parties interested.

SECTION 3. As soon as may be after locating said dam, channel and land to be taken as aforesaid, the said commissioners shall cause a description thereof sufficiently accurate for identification to be filed in the office of the register of deeds for said county, and the same shall be entered of record by the said register.

To file description of land in registry of deeds.

SECTION 4. At the time of fixing upon the location aforesaid the said commissioners shall estimate, determine and award the damages occasioned to any person in his property, by reason of the taking and using his land for the purpose aforesaid, and they shall cause notice of their estimate and award to be given to the parties interested by filing a copy thereof in the offices of the town clerks of Agawam and West Springfield.

Estimate and award of damages.

SECTION 5. Within two months after the filing the notice mentioned in the preceding section and not otherwise, any person aggrieved by the doings of said commissioners in the awarding or failing to award damages as aforesaid, may apply for a jury to revise the same, such application shall be made in like manner, and the proceedings thereon shall be the same as in the case of a jury summoned to revise the

Parties aggrieved may apply for jury.

doings of the county commissioners in awarding damages for laying out, altering, widening or discontinuing highways. Such application shall contain a specification of the objection made to the determination of the county commissioners, to which specification the party shall be confined at the trial.

Charges and costs of application for jury.

If, at the hearing, the jury do not increase the damages, the charge and costs incurred by reason of the application, shall be paid by the persons recognizing for costs ; otherwise by the town of West Springfield.

County commissioners to lay out highway.

SECTION 6. The said county commissioners shall, upon the completion of said dam and channel, if practicable, lay out and construct a highway across the same, and connect the same with some highway in the town of West Springfield, for the use of the land cut off by said channel ; the same to be laid out in the same manner as is now provided by law for the laying out of highways by the county commissioners, except that the whole expense thereof shall be paid by the town of West Springfield, in the manner hereinafter provided.

Costs and damages to be first paid by West Springfield.

SECTION 7. All the costs and expenses incurred under the provisions of this act, including all land damages assessed or determined as herein before provided, shall, in the first instance, be paid by the town of West Springfield ; and all the sums so paid shall be taken to be a part of the expense of maintaining and repairing said dike, and shall be borne in the same proportions and by the same parties, and be assessed and collected in the same manner as is provided in chapter eighty of the acts of the year eighteen hundred and sixty-eight, to which this is in addition.

Dam and channel to be maintained by county commissioners.

SECTION 8. After the said dam and channel are completed, they shall be maintained by the said county commissioners, the expense thereof to be paid in the manner and by the parties made liable by the preceding section for the costs and expenses of constructing the same.

Commissioners may construct channel without the dam, or erect piers, etc.

SECTION 9. If the said county commissioners shall be of the opinion that the said dike can be suitably protected, and with greater economy, by the construction of the channel without the dam, or by the erection of piers or other works or structures in or upon the banks of the said river, they may construct the same instead of said dam and channel, and all proceedings shall be had therein, (so far as applicable,) and with the same effect, as is herein before provided in case of the construction of said dam and channel.

SECTION 10. This act shall take effect upon its passage.

Approved March 23, 1872.

AN ACT TO CHANGE THE NAME OF THE METHODIST EPISCOPAL CHURCH IN PYNCHON STREET, SPRINGFIELD. *Chap. 133*

Be it enacted, &c., as follows :

SECTION 1. The Methodist Episcopal Church in Pynchon street, in the city of Springfield, shall be hereafter called and known by the name of Trinity Methodist Episcopal Church of Springfield. *Name changed.*

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1872. .

AN ACT TO AUTHORIZE THE PARISH OF GRACE CHURCH IN NEWTON, TO SELL ITS REAL ESTATE AND CHURCH PROPERTY, AND FOR OTHER PURPOSES. *Chap. 134*

Be it enacted, &c., as follows :

SECTION 1. The parish of Grace Church in Newton, may sell and convey by deed or deeds, its land, chapel and rectory situated on the corner of Washington and Hovey streets in Newton, and use the proceeds of the sale, after paying the debts of said parish, for the purchase of other real estate in Newton, and for the erection thereon of a church, chapel or rectory. *Parish of Grace Church may sell chapel and rectory.*

SECTION 2. Said parish may mortgage said land for the purpose of raising money to purchase other real estate or church property in Newton, or for the purpose of erecting a church, chapel or rectory, or for the purpose of paying the debts of said parish. *May raise money by mortgage, to purchase other church property.*

SECTION 3. This act shall take effect upon its passage.

Approved March 23, 1872.

AN ACT TO INCORPORATE THE WEST ROXBURY FREE LIBRARY.

Chap. 135

Be it enacted, &c., as follows :

SECTION 1. Charles A. Hewins, Cornelius Cowing, Charles H. Lunt, their associates and successors, are hereby made a corporation by the name of the West Roxbury Free Library for the purpose of maintaining a public library to be located in that part of West Roxbury formerly known as the second parish of Roxbury ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations. *Corporators. Name and purpose. Powers and duties.*

SECTION 2. Said corporation may hold real and personal estate for the purposes aforesaid to an amount not exceeding twenty thousand dollars, exclusive of books, papers and works of art. *Real and personal estate.*

SECTION 3. Said corporation may receive and hold for the purposes aforesaid, any grants, donations or bequests, under such conditions and rules as may be prescribed in *May receive donations and bequests.*

Proviso.

such grants, donations and bequests: *provided*, the same are not inconsistent with the provisions of law; and it shall also have power to make proper regulations for the use and management of the library.

SECTION 4. This act shall take effect upon its passage.

Approved March 23, 1872.

Chap. 136

AN ACT TO AUTHORIZE THE WORCESTER COUNTY HORTICULTURAL SOCIETY TO HOLD REAL AND PERSONAL ESTATE.

Be it enacted, &c., as follows:

\$150,000 in real and personal estate.

SECTION 1. The Worcester County Horticultural Society may hold real and personal estate to the amount of one hundred and fifty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1872.

Chap. 137

AN ACT RELATING TO MOUNT PLEASANT CEMETERY IN ARLINGTON.

Be it enacted, &c., as follows:

Mount Pleasant Cemetery in Arlington.

SECTION 1. The inhabitants of the town of Arlington may lay out Mount Pleasant cemetery in said town, or such parts thereof as are not already laid out, into such lots or subdivisions for burial places as they may think proper; but they shall set apart a portion of the same for a public burial place. Said town may make such appropriations as are necessary to construct paths and avenues in said cemetery and to embellish the grounds thereof, and may establish all necessary rules and regulations in relation thereto.

Town may sell right of burial, and of erecting tombs, etc.

SECTION 2: Said town may sell to any person or persons, whether residents thereof or otherwise, the sole and exclusive right of burial, and of erecting tombs and monuments in any of the designated lots or subdivisions of said cemetery upon such terms and conditions as it shall prescribe; and all conveyances of any such lots or subdivisions shall be executed in behalf of the town by the selectmen.

SECTION 3. This act shall take effect upon its passage.

Approved March 23, 1872.

Chap. 138

AN ACT TO INCORPORATE THE SOUTH SHORE STEAMBOAT COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Henry L. Fearing, Andrew C. Cushing, Ebed L. Ripley, their associates, successors and assigns are hereby made a corporation by the name of the South Shore Steamboat Company, for the purpose of engaging in the business of transporting passengers and freight by steamboats and barges between Boston, Hull and other points on the south shore of Massachusetts Bay; with all the rights and privileges, and subject to all the duties, restrictions and liabilities.

Name and purpose.

ties which now are or hereafter may be in force applicable to such corporations.

SECTION 2. Said company is hereby authorized and empowered to build, purchase, sell and convey such steam vessels and barges, with such apparatus and appendages as may be found necessary for the transportation of freight and passengers as aforesaid: *provided, however*, that said corporation shall incur no liability until fifty per centum of its capital stock shall have been paid in in cash.

May build or purchase steam vessels and barges.

Proviso.

SECTION 3. The capital stock of said corporation shall be fixed at fifty thousand dollars, with power to increase the same to two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and said corporation shall have power to issue bonds to an amount not exceeding the amount of its capital actually paid in.

Capital stock and shares.

SECTION 4. Said corporation shall have power to hold real estate for the purposes of its business, to an amount not exceeding fifty thousand dollars.

Real estate not exceeding \$50,000.

SECTION 5. This act shall take effect upon its passage.

Approved March 23, 1872.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE SCHOOL FUND IN CHICOPEE TO TRANSFER THEIR PROPERTY TO THE TOWN.

Chap. 139

Be it enacted, &c., as follows:

SECTION 1. The trustees of the school fund in the town of Chicopee may transfer and convey for a nominal consideration, all the real and personal property now held by them to said town, and upon such transfer being made and effected, such trustees shall cease to exist as a corporation.

Trustees of school fund may transfer property to town of Chicopee.

SECTION 2. This act shall take effect upon its passage.

Approved March 23, 1872.

AN ACT TO CHANGE THE TIME OF HOLDING THE ANNUAL MUNICIPAL ELECTIONS IN CITIES.

Chap. 140

Be it enacted, &c., as follows:

SECTION 1. Hereafter in the several cities, the annual elections for the choice of city and ward officers, which are now required by law to be held on Monday, shall be held on the Tuesday next after such Monday.

City election to be held on Tuesday.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 3. This act shall take effect in those cities only which shall accept the same by vote of the city council.

Subject to vote of city council.

Approved March 23, 1872.

Chap. 141 AN ACT TO INCREASE THE SALARIES OF THE JUSTICE AND CLERK OF THE POLICE COURT OF LYNN.

Be it enacted, &c., as follows:

Salaries of justice and clerk established.

SECTION 1. The justice of the police court of Lynn shall hereafter receive an annual salary of eighteen hundred dollars, and the clerk of said court shall hereafter receive an annual salary of one thousand dollars.

SECTION 2. This act shall take effect on the first day of July next.

Approved March 23, 1872.

Chap. 142 AN ACT RELATING TO THE SALARY OF THE ASSISTANT-CLERK OF THE COURTS OF THE COUNTY OF WORCESTER.

Be it enacted, &c., as follows:

Salary of assistant-clerk established.

From and after the first day of April, in the year one thousand eight hundred and seventy-two, the assistant-clerk of the courts of the county of Worcester shall receive an annual salary of twenty-one hundred dollars.

Approved March 23, 1872.

Chap. 143 AN ACT TO UNITE THE OLD COLONY AND NEWPORT RAILWAY COMPANY AND THE CAPE COD RAILROAD COMPANY, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Old Colony and Newport and Cape Cod Railroads may unite and form corporation.

SECTION 1. The Old Colony and Newport Railway Company and the Cape Cod Railroad Company may unite and form one corporation, in the manner following, namely: if the said companies shall, at meetings called for the purpose, severally vote to unite and form one corporation, then, upon the passage of said votes, the Cape Cod Railroad Company is hereby authorized, upon such terms as the two corporations may mutually agree, to convey and assign to the Old Colony and Newport Railway Company its franchises and property, and all the rights, easements, privileges and powers granted to it, and the same shall be held and enjoyed by the Old Colony and Newport Railway Company in as full and ample a manner as if they had been first granted directly to the last named corporation; and the Old Colony and Newport Railway Company shall upon such conveyance being made to it, have and enjoy all the rights, powers, privileges, easements, franchises and property of the Cape Cod Railroad Company, and be subject to all the duties, restrictions, liabilities and obligations to which said last named corporation may be subject.

Powers and duties.

Old Colony and Newport may issue new stock in lieu of the stock of the Cape Cod R. R.

SECTION 2. In case the union provided for in the first section of this act is made, the Old Colony and Newport Railway Company is authorized to issue new stock in lieu of the authorized stock of the Cape Cod Railroad Company,

but the whole capital of the Old Colony and Newport Railway Company shall not exceed the authorized capital of the two corporations: such stock may be issued to stockholders of the Cape Cod Railroad Company in exchange for stock of that company at such relative values as may be mutually agreed upon; and in order to equalize fractions of shares, the Old Colony and Newport Railway Company may buy or sell shares or fractions of shares from or to such stockholders upon such terms not less than par as the parties may agree.

SECTION 3. The Old Colony and Newport Railway, after said union is made, may change its name to the Old Colony Railroad Company. May change name to Old Colony R.R. Co.

SECTION 4. The Cape Cod Railroad Company or the Old Colony and Newport Railway Company, in case the union herein provided for shall take place, may change the location of the railroad between Wellfleet and Provincetown, by filing a new location with the county commissioners for the county of Barnstable on or before the first day of July next, and may extend the same to and into deep water in Cape Cod harbor: subject, however, to the approval and determination of the harbor commissioners. May change location of road between Wellfleet and Provincetown.

SECTION 5. This act shall take effect upon its passage.

Approved March 27, 1872.

AN ACT TO AUTHORIZE THE MILFORD AND WOONSOCKET RAILROAD COMPANY TO EXTEND ITS RAILROAD, AND FOR OTHER PURPOSES.

Chap. 144

Be it enacted, &c., as follows:

SECTION 1. The Milford and Woonsocket Railroad Company may extend its railroad in the towns of Bellingham and Franklin to some convenient point on the Boston, Hartford and Erie Railroad in Franklin, under the provisions of all general laws relative to railroad corporations. Milford and Woonsocket Railroad may extend to Boston, Hartford and Erie, in Franklin.

SECTION 2. Said corporation may enter with its said extension upon, unite the same with, and use the railroad of the Boston, Hartford and Erie Railroad Company, and the last named corporation may enter with its road upon, unite the same with, and use the said extension, subject to the provisions of the said general laws. May enter upon and unite with each other's roads.

SECTION 3. For the purposes aforesaid the Milford and Woonsocket Railroad Company may increase its capital stock by the issue of fifteen hundred shares in addition to the stock now authorized by law. Additional capital stock.

SECTION 4. This act shall take effect upon its passage; and the provisions relative to the extension of said railroad, and the issue of new stock, shall be void so far as the powers herein granted are not exercised within three years from the passage hereof. Powers granted to be exercised within three years.

Approved March 27, 1872.

Chap. 145 AN ACT TO REVIVE THE CHARTER OF THE NATIONAL GLASS INSURANCE COMPANY.*Be it enacted, &c., as follows:*Charter
revived.

Chapter thirty-four of the acts of the year eighteen hundred and seventy, entitled an act to incorporate the National Glass Insurance Company, is hereby revived, and the corporation therein named may be organized within two years from the passage of this act.

*Approved March 27, 1872.***Chap. 146** AN ACT TO AMEND THE CHARTER OF THE GROVELAND MUTUAL FIRE INSURANCE COMPANY.*Be it enacted, &c., as follows:*Amendment to
1827, 102, § 2.

Section two of chapter one hundred and two of the acts of the year eighteen hundred and twenty-seven is hereby amended by striking out the word November and inserting the word January in said section.

*Approved March 27, 1872.***Chap. 147** AN ACT TO INCORPORATE THE JAMAICA PLAIN SAVINGS BANK.*Be it enacted, &c., as follows:*Savings bank in
W. Roxbury.

SECTION 1. Francis M. Weld, Henry A. Church, M. Denman Ross, Robert Seaver, their associates and successors are hereby made a corporation by the name of the Jamaica Plain Savings Bank, to be located in that part of West Roxbury called Jamaica Plain; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

*Approved March 27, 1872.***Chap. 148** AN ACT TO INCORPORATE THE MONSON SAVINGS BANK.*Be it enacted, &c., as follows:*Savings bank in
Monson.

SECTION 1. William N. Flynt, Cyrus W. Holmes, junior, Timothy F. Packard, Charles H. Merrick, Alfred Norcross, Rice M. Reynolds, Rice S. Munn, Edwin E. Towne, Rufus F. Fay, Daniel G. Potter, their associates and successors, are hereby made a corporation by the name of the Monson Savings Bank, to be located in Monson; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force, applicable to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1872.

AN ACT TO AUTHORIZE THE CHELSEA GAS LIGHT COMPANY TO IN- *Chap. 149*
CREASE ITS CAPITAL STOCK.

Be it enacted, &c., as follows :

SECTION 1. The Chelsea Gas Light Company may in-crease its capital stock by an amount not exceeding two hundred thousand dollars, in addition to the amount heretofore authorized by law, at such times and in such sums as the stockholders may determine; to be divided into shares of one hundred dollars each, and subject to the provisions contained in section one of chapter one hundred and seventy-nine of the acts of the year eighteen hundred and seventy. \$200,000 additional capital stock.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1872.

AN ACT TO CHANGE THE NAME OF THE ROXBURY YOUNG MEN'S *Chap. 150*
CHRISTIAN ASSOCIATION.

Be it enacted, &c., as follows :

SECTION 1. The name of the Roxbury Young Men's Christian Association is hereby changed to the Boston Highlands Young Men's Christian Association. Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1872.

AN ACT TO FIX THE SALARIES OF THE COMMISSIONERS OF DUKES *Chap. 151*
COUNTY.

Be it enacted, &c., as follows :

SECTION 1. The commissioners of Dukes county shall receive from the treasury of said county, from and after January first, in the year eighteen hundred and seventy-two, in equal semi-annual payments, in January and July, in full payment for all their services and travel, the sum of four hundred dollars. Salaries established.

SECTION 2. This act shall take effect upon its passage.

Approved March 27, 1872.

AN ACT TO ESTABLISH THE THIRD DISTRICT COURT OF SOUTHERN *Chap. 152*
WORCESTER.

Be it enacted, &c., as follows :

SECTION 1. The towns of Milford, Mendon and Upton shall constitute a judicial district under the jurisdiction hereby established therein by the name of the Third District Court of Southern Worcester. Said court shall, except as is hereinafter provided, have the same jurisdiction, power and authority, shall perform the same duties, and be subject to the same regulations as are provided with respect to existing police courts, except the municipal courts of Boston Third district court of Southern Worcester established.

and Worcester, by chapter one hundred and sixteen of the General Statutes and by all general laws passed in amendment thereof, applicable to the several police courts of the Commonwealth; and all provisions of law relating to criminal and civil proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with county and town for money paid into court as forfeitures or otherwise, and all other returns and requirements of law applicable to the several police courts of the Commonwealth, except those before mentioned, shall apply to the court hereby established.

One standing justice and two special justices.

SECTION 2. Said district court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified pursuant to the constitution and laws of the Commonwealth.

Either justice may issue warrants.

SECTION 3. Either of the justices of said court may issue warrants in all proper cases. No justice of the peace shall hereafter be allowed any fees for warrants issued within said district, and all warrants so issued shall be made returnable before said court.

Courts for criminal and civil business to be held in Milford.

SECTION 4. Said court shall be held in Milford, and for criminal business daily, except on Sundays and legal holidays, in some suitable place to be furnished by the county of Worcester. Said court shall be held for civil business on the first and third Wednesdays of each month, and actions therein may be continued to any future day.

Salary of standing justice. Compensation of special justices.

SECTION 5. The standing justice of said court shall receive an annual salary of sixteen hundred dollars; the compensation of the special justices shall be determined and paid in the manner now provided by law for special justices of police courts.

Original concurrent jurisdiction with superior court in personal actions where debt does not exceed \$300.

SECTION 6. Said court shall also have original concurrent jurisdiction with the superior court, in the county of Worcester, in all personal actions in which the debt or damages demanded or property replevied does not exceed in amount or value three hundred dollars, and on the return day of the writ either party may demand a trial by jury, in writing, which shall be granted by said court. If neither party demand a trial by jury, the right to have such trial shall be taken to be waived. The jury trial shall be in accordance with the provisions of chapter one hundred and thirty-two of the General Statutes, and the judgment of said court in all actions in which the title to real estate is not put in issue by the pleadings shall be final, unless appeal is taken therefrom or exceptions and appeals on matters of law are had, as hereinafter provided.

Trial by jury.

SECTION 7. In all cases in said court, except where a jury trial is had, or the value of the property replevied or the amount claimed in the writ does not exceed the amount of fifty dollars, either party may appeal to the superior court in the manner now provided by law for taking appeals from the judgment of justices of the peace; and in cases where a jury trial is had, exceptions and appeals on matters of law may be had to the supreme judicial court in the manner now provided by law for taking exceptions and appeals from the superior court to the supreme judicial court.

Right of appeal.

SECTION 8. Whenever a jury shall become necessary for the trial of any action or proceeding in said district court under the provisions of this act, the justice of said district court is hereby authorized and required to issue writs of *venire facias*, directed to the sheriff of the county or either of his deputies, or a constable of any city or town in the district, for the summoning of jurors; and the jurors shall be summoned from the towns in the judicial district.

Jury to be summoned from towns of district.

SECTION 9. All proceedings duly commenced before any trial justice or justice of the peace within said district, before this act shall take full effect, shall be prosecuted and determined as if this act had not been passed, and except as herein provided, the jurisdiction of trial justices and justices of the peace shall be excluded within the judicial district created by this act.

Proceedings already commenced before trial justice, etc., to be there determined.

SECTION 10. All cases pending at the time this act shall take full effect, in the police court of Milford, shall be transferred to the said third district court of southern Worcester, and all writs, complaints and processes returnable to said police court shall be returnable to, and be entered in said district court, and all writs and processes and copies founded upon the records of said police court shall issue under the seal of said district court with full effect.

Cases pending in Milford police court to be transferred, etc.

SECTION 11. All laws establishing the police court of Milford, or giving jurisdiction to said court, except so far as it may be necessary that the same should be supported for the purposes of this act, and all acts inconsistent with the provisions of this act, are hereby repealed from the day this act shall take full effect.

Repeal.

SECTION 12. No writ or process issued by said district court in civil actions or proceedings, shall run into or be served in any county other than Worcester county, except as provided in section seven of chapter one hundred and twenty, and in section seventy-seven of chapter one hundred and forty-two of the General Statutes. And in all civil

Process in civil action not to run into or be served in any county but Worcester.

Costs.

Costs, if plaintiff's claim in writ served upon defendant out of county exceeds twenty dollars.

Justice may retain fees sufficient to pay for services of special justices.

When to take effect.

actions in said court, wherein the writ or process is served upon the defendant in any county other than Worcester county, except as above provided, if the plaintiff names a sum not exceeding twenty dollars, for debt or damages, he shall be entitled to no costs, except as provided in the following section; but the defendant shall recover the costs to which he would have been entitled had he been the prevailing party.

SECTION 13. If the plaintiff's claim in a writ served upon the defendant out of Worcester county, as established on the trial, exceeds twenty dollars, and is reduced to that amount or less, or overbalanced by set-offs which could not have been proved in payment, it shall be considered, for the purposes of the preceding section, as having exceeded twenty dollars, and the party who finally recovers judgment in the suit shall be entitled to his costs.

SECTION 14. The justice of said district court may retain for his own use, from the fees received in said court, all sums paid by him for the services of any special justice: *provided*, the sum so retained shall not, in any one year, exceed eight per centum of the annual salary of such justice. But no justice of said court shall receive any compensation besides his regular salary or allowance, for making or issuing complaints, warrants, subpoenas or other process which he is by law authorized to issue, or for any service performed by him in the discharge of his official duties in said court.

SECTION 15. This act shall take effect, so far as relates to the appointing, commissioning and qualifying the justices of said district court, upon its passage, and it shall take full effect on the first day of July next. *Approved March 27, 1872.*

Chap. 153 AN ACT TO AUTHORIZE BRINE AND CLARK TO EXTEND THEIR WHARF ON MILLER'S RIVER IN CAMBRIDGE.

Be it enacted, &c., as follows:

May extend wharf on Miller's River in Cambridge.

SECTION 1. License is hereby given to Brine and Clark to extend their wharf on Miller's River in Cambridge, within such limits as the harbor commissioners may determine and direct: *provided*, that all things done under this act shall be subject to the provisions of the fourth section of chapter one hundred and forty nine of the acts of the year eighteen hundred and sixty-six, and to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, so far as applicable.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1872.

AN ACT TO AUTHORIZE THE TRUSTEES OF THE PERMANENT PEACE FUND TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE. *Chap. 154*

Be it enacted, &c., as follows:

SECTION 1. The trustees of the Permanent Peace Fund may hold real and personal estate in addition to that now authorized to an amount not exceeding one hundred thousand dollars. \$100,000 additional real and personal estate.

SECTION 2. The proceedings and doings of said trustees in organizing as a corporation under the act incorporating them, and thereafter as such corporation, are hereby ratified and confirmed. Proceedings of trustees confirmed.

SECTION 3. This act shall take effect upon its passage.

Approved March 28, 1872.

AN ACT TO INCORPORATE THE KATAMA LAND COMPANY. *Chap. 155*

Be it enacted, &c., as follows:

SECTION 1. Erastus P. Carpenter, Joel H. Hills, Grafton N. Collins, Nathaniel M. Jernagan, their associates and successors, are hereby made a corporation, by the name of the Katama Land Company, for the purpose of purchasing, holding, improving and disposing of land in the town of Edgartown: *provided, however*, that said corporation shall not hold over twelve hundred acres of land; with all the powers and privileges, and subject to all the duties, restrictions and liabilities contained in all general laws which now are, or may hereafter be in force, and applicable to such corporations. Corporators. Name and purpose. Powers and duties.

SECTION 2. License is hereby given to said corporation to construct and maintain a wharf or wharves from its land in the harbor of Edgartown, subject however to the approval and determination of the harbor commissioners. Said corporation is authorized to build on its land in Edgartown, one or more hotels, and to carry on the same, and to build and maintain such other buildings, and to hold such personal property as said corporation may deem necessary, and may build, purchase or charter one or more steamboats, and may run the same to and from the land of said corporation. May build wharves in Edgartown harbor. May build hotels, etc.

SECTION 3. The capital stock of said corporation shall be fifty thousand dollars, with liberty to increase by vote of the corporation to an amount not exceeding one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and no share shall be issued until the amount thereof has been paid in in cash: *provided*, that the said corporation shall not incur any liability until at least fifteen thousand dollars in cash shall have been paid in. Capital stock and shares.

SECTION 4. This act shall take effect upon its passage.

Approved March 28, 1872.

Chap. 156**AN ACT RELATING TO THE INSPECTION OF LEATHER.***Be it enacted, &c., as follows :*

Fees in excess of \$3,000 to be paid into treasury.

SECTION 1. All fees received by the inspector-general of leather, or his subordinates, which shall exceed the sum of three thousand dollars, after paying the absolute expenses of inspection and the expenses of his office, shall be paid into the treasury of the Commonwealth.

Inspection fee.

SECTION 2. The fee for inspection shall be one and one-quarter cents per side of sole leather.

SECTION 3. This act shall take effect on the first day of June next.

*Approved March 28, 1872.***Chap. 157****AN ACT IN ADDITION TO AN ACT TO SUPPLY THE CITY OF CAMBRIDGE WITH PURE WATER.***Be it enacted, &c., as follows :*

Cambridge may issue additional water bonds at six per cent. interest.

SECTION 1. To enlarge and extend the water works of the city of Cambridge, the city council of said city may issue scrip or bonds in addition to the scrip or bonds authorized by chapter thirteen of the acts of the year eighteen hundred and sixty-eight, to an amount not exceeding five hundred thousand dollars, bearing interest not exceeding six per centum per annum, payable semi-annually, the principal to be payable at periods not more than fifty years from the issuing of such scrip or bonds; and said city council may sell such scrip or bonds, or any part thereof, from time to time, or pledge the same for money borrowed for the extension of said water works, on such terms and conditions as it may deem proper.

SECTION 2. This act shall take effect upon its passage.

*Approved March 28, 1872.***Chap. 158****AN ACT TO AUTHORIZE THE SELECTMEN OF MILFORD TO REMOVE CERTAIN TOMBS AND REMAINS OF THE DEAD.***Be it enacted, &c., as follows :*

Selectmen may remove remains of the dead from burial ground in Milford, and forbid future burials.

SECTION 1. The selectmen of the town of Milford may remove the remains of the dead from the tombs and graves in the burial ground situated at the corner of School and Spruce streets, in said town, to such other suitable burial place as they may select, or the relations and friends of the deceased may at their own expense provide; and remove the tombs now standing on the premises, and level and grade the surface of said ground, and forbid future burials therein.

Remains to be properly reinterred.

SECTION 2. The removals aforesaid shall be made under the supervision of the selectmen; the remains of the dead shall be reinterred in a proper and suitable manner, due regard being had to the wishes of the relatives and friends of the deceased; and a plan of the ground in the burial place selected by said selectmen, to which such remains shall

be removed, showing the position of all the known dead so removed, shall be made and filed in the office of the town clerk of Milford, for future reference. The remains of the dead in the said tombs and burial ground shall be removed, together with the headstones and monuments now remaining, which shall be duly replaced to indicate the new graves of the deceased, to whose memory they were erected.

Plan of new ground to be filed in town clerk's office.

SECTION 3. Removals of remains may be made by friends of the deceased, under the direction of said selectmen, and subject to such reasonable restrictions as they may impose, but no removals shall be made until said selectmen shall first have given notice to all persons interested, by a publication of this act six successive weeks in all the weekly newspapers published in the county of Worcester, and by a notice in writing to all persons known to them as owners of tombs and lots in said burial ground, and residing in this Commonwealth.

Removal of remains may be made by friends under direction of the selectmen.

SECTION 4. This act shall take effect upon its passage.

Approved March 28, 1872.

AN ACT TO FIX THE SALARY OF THE CLERK OF THE POLICE COURT OF LOWELL.

Chap. 159

Be it enacted, &c., as follows:

SECTION 1. The annual salary of the clerk of the police court of Lowell shall be twelve hundred dollars, payable from the first day of July next.

Salary established.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1872.

AN ACT TO FIX THE SALARIES OF THE JUDGES OF THE SUPREME JUDICIAL COURT.

Chap. 160

Be it enacted, &c., as follows:

SECTION 1. The chief justice of the supreme judicial court shall receive an annual salary of sixty-five hundred dollars, and each of the associate justices of said court shall receive an annual salary of six thousand dollars, payable in the manner now provided by law.

Salaries of judges of S.J.C. established.

SECTION 2. This act shall take effect upon the first day of July next.

Approved April 1, 1872.

AN ACT IN RELATION TO THE STATE VISITING AGENCY.

Chap. 161

Be it enacted, &c., as follows:

SECTION 1. Section two of chapter three hundred and seventy of the acts of the year eighteen hundred and seventy-one, is hereby amended, by striking out the words "and four," in the first line of said section, and inserting the word "and" between "two" and "three" in the same line.

Amendment to 1871, 370, § 2.

Repeal of 1870,
359, § 6.

SECTION 2. Section six of chapter three hundred and fifty-nine of the acts of the year eighteen hundred and seventy, is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 1, 1872.

Chap. 162

AN ACT TO AUTHORIZE THE RELOCATION OF PASSENGER STATIONS AND FREIGHT DEPOTS BY RAILROAD CORPORATIONS.

Be it enacted, &c., as follows :

Stations and depots may be relocated with the approval of railroad commissioners, etc.

SECTION 1. Railroad corporations may relocate passenger stations and freight depots, upon the approval in writing of the board of railroad commissioners and of the selectmen of the town or the city council of the city in which such stations or depots are situated.

Not to affect any act directing construction etc., of depot.

SECTION 2. This act shall be construed not to affect any legislative act specifically directing the construction or maintenance of any such station or depot, and not to apply to any station or depot in regard to the location of which judicial proceedings are now pending.

SECTION 3. This act shall take effect upon its passage.

Approved April 1, 1872.

Chap. 163

AN ACT TO PROVIDE A CLERK FOR THE POLICE COURT OF SPRINGFIELD.

Be it enacted, &c., as follows :

Clerk to be appointed to hold office until next regular election.

SECTION 1. The governor, with the advice and consent of the council, shall nominate and appoint a clerk of the police court of the city of Springfield, who shall hold his office until the next regular election of clerks of the municipal, district and police courts of this Commonwealth, unless sooner removed by the governor and council.

To perform all duties prescribed by General Statutes for clerks of police courts.

SECTION 2. Said clerk shall perform all the duties now prescribed by the General Statutes for clerks of police courts ; and all the provisions of law now applicable to clerks of police courts shall apply to said clerk.

Salary.

SECTION 3. Said clerk shall receive an annual salary of one thousand dollars, to be paid from the treasury of the Commonwealth.

When to take effect.

SECTION 4. This act shall take effect so far as the appointing, commissioning and qualifying said clerk are concerned, upon its passage ; and it shall take full effect on the thirty-first day of March in the year eighteen hundred and seventy-two.

Approved April 1, 1872.

AN ACT TO AUTHORIZE SETH R. THOMAS TO BRIDGE LITTLE RIVER IN DARTMOUTH. *Chap. 164*

Be it enacted, &c., as follows :

SECTION 1. Seth R. Thomas may construct and maintain a free bridge over Little River in the town of Dartmouth, from a point on the westerly side of said river, near the terminus of the Potomska road, and about one hundred yards north of the fording place in said river, said bridge to be built with an open and unobstructed space in the channel, twenty-five feet wide between the abutments of said bridge ; subject to the determination of the harbor commissioners, as provided in section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

May construct a free bridge over Little River in Dartmouth.

Subject to determination of harbor commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1872.

AN ACT TO CONFIRM CERTAIN PROCEEDINGS OF THE HAVERHILL ODD FELLOWS' HALL ASSOCIATION. *Chap. 165*

Be it enacted, &c., as follows :

SECTION 1. The acts of the Haverhill Odd Fellows' Hall Association are hereby made valid to the same extent as they would have been valid had said corporation been authorized by chapter two hundred and sixty-six of the acts of the year eighteen hundred and sixty-eight to have a capital stock of one hundred thousand dollars, divided into shares of fifty dollars each.

Acts of association made valid.

SECTION 2. Authority is hereby given to said corporation to have a capital stock of one hundred thousand dollars, divided into shares of fifty dollars each.

Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

Approved April 1, 1872.

AN ACT TO INCORPORATE THE TILDEN FREE BRIDGE CORPORATION. *Chap. 166*

Be it enacted, &c., as follows :

SECTION 1. John Tilden, George H. Weatherbee, junior, Elisha W. Hall, their associates and successors are hereby made a corporation by the name of the Tilden Free Bridge Corporation ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or hereafter may be in force relating to such corporations.

Corporators.

Powers and duties.

SECTION 2. Said corporation may construct a pile bridge across the waters of North River, between the Fourth Cliff in Scituate, and Trouant's Island in Marshfield, and the capital stock of said corporation shall not exceed twenty-

May construct pile bridge across North River.

Capital stock and shares.

Bridge to be of suitable material, and at least twenty feet wide.

Subject to approval of harbor commissioners.

Bridge to be finished within five years.

✱

five thousand dollars, divided into shares of one hundred dollars each, with the right to purchase and hold such real and personal estate as may be necessary and convenient for the purposes of this act, not exceeding that sum. Said bridge shall be well built of suitable materials, at least twenty feet wide and floored with planks, with sufficient railings on each side, and shall have a suitable draw in the same at least twenty-four feet wide, for the passage of vessels, all of which shall be kept in good repair at all times: *provided*, that the structures built under this act shall be subject to the determination and approval of the harbor commissioners, as provided in the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six.

SECTION 3. If said corporation shall neglect, for the space of five years from the passage of this act, to build and finish said bridge, then this act shall be void.

SECTION 4. This act shall take effect upon its passage.

Approved April 1, 1872.

Chap. 167 AN ACT TO AUTHORIZE JOHN PRESTON TO BUILD WHARVES ON MILL CREEK IN BOSTON.

Be it enacted, &c., as follows:

May build wharves on Mill Creek at Commercial Point in Boston, subject to approval of harbor commissioners.

Proviso.

Adjustment of proprietary rights affected, may be made by harbor commissioners.

Proviso.

SECTION 1. License is hereby given to John Preston to build wharves on Mill Creek at Commercial Point, and between Commercial Street and the Old Colony and Newport Railroad in Boston, within such limits as the harbor commissioners shall determine and direct, subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and to the provisions of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, so far as applicable: *provided*, that such limits shall be so determined that a channel way not less than two hundred feet in width shall be reserved as an outlet to Mill Creek into Neponset River.

SECTION 2. In providing for the reservation of such channel way in a proper location, the board of harbor commissioners may make an adjustment of the proprietary rights affected by such reservation, and in the name and behalf of the Commonwealth to make and receive conveyances of the tide land in and on both sides of said creek, by deed: *provided*, that every such deed shall be subject to the approval of the governor and council. But nothing herein contained shall authorize any payment of money from the treasury of the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved April 1, 1872.

AN ACT TO INCORPORATE THE DUKES COUNTY SAVINGS BANK.

Chap. 168

Be it enacted, &c., as follows :

SECTION 1. Thomas Bradley, Tarlton C. Luce, Joseph T. Pease, Constant Norton, Richard L. Pease, Shubael H. Norton, Nathaniel M. Jernegan, Howes Norris, Ichabod N. Luce, Charles Bradley, Presbury L. Smith, Henry W. Beetle and Lorenzo Smith, their associates and successors, are hereby made a corporation, by the name of the "Dukes County Savings Bank," to be located in the town of Edgartown ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force applicable to institutions for savings.

Corporators.

Name and location.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1872.

AN ACT IN RELATION TO ALIEN PASSENGERS.

Chap. 169

Be it enacted, &c., as follows :

SECTION 1. Section fifteen of chapter seventy-one of the General Statutes is hereby amended by striking out the words between the word "charge" in the eighth line, and the word "provided" in the seventeenth line, as the same are printed and published in said General Statutes.

Amendment to G. S. 71, § 15.

SECTION 2. The sixteenth, seventeenth and eighteenth sections of said chapter are hereby repealed.

Repeal of G. S. 71, §§ 16, 17, 18.

SECTION 3. In all cases in which bonds are required by law for insane, idiotic, deaf and dumb, blind, deformed or maimed alien passengers arriving in this Commonwealth, one bond only shall be required for all such alien passengers arriving at one time in one vessel. And the penalty in such bond shall not exceed the aggregate penalties which would have been inserted in several bonds had separate bonds been taken.

Only one bond required for all insane, etc., alien passengers, arriving at one time in one vessel.

SECTION 4. This act shall take effect upon its passage.

Approved April 2, 1872.

AN ACT TO AUTHORIZE THE HOPKINTON RAILROAD COMPANY TO MORTGAGE ITS ROAD.

Chap. 170

Be it enacted, &c., as follows :

SECTION 1. The Hopkinton Railroad Company may mortgage its road, franchise and equipment, and any of its property, real and personal, to an amount not exceeding one hundred and forty thousand dollars, to secure such bonds as may be issued by said company with interest thereon at a rate not exceeding seven per centum per annum, and the whole amount for which such bonds shall be issued shall be

May mortgage road, franchise, etc., not exceeding \$140,000 to secure bonds.

determined by the stockholders at a meeting duly called for that purpose under the provisions of existing law.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1872.

Chap. 171 AN ACT TO AUTHORIZE THE HARTFORD AND NEW HAVEN RAILROAD COMPANY TO CONSOLIDATE WITH THE NEW YORK AND NEW HAVEN RAILROAD COMPANY.

Be it enacted &c., as follows :

Hartford and N. H. Railroad may sell road to or consolidate with the N. Y. and N. H. Railroad Company.

SECTION 1. The Hartford and New Haven Railroad Company may sell, transfer, merge and consolidate its corporate rights, powers and estate to, into and with the New York and New Haven Railroad Company, upon such considerations, terms, stipulations and conditions as may be agreed upon between said corporations and as are authorized by the provisions of this act.

Directors may make agreements for sale or merger, prescribing terms and conditions.

SECTION 2. The directors of said corporation may enter into proper agreements for the sale, transfer, purchase and merger hereby authorized, prescribing the terms and conditions thereof, the mode of effecting such transfer, merger and consolidation, and the number of directors thereof, one or more of whom shall be citizens of this Commonwealth, the amount of the capital stock of such consolidated corporation, which shall not exceed the present capital of said companies, the manner of converting the capital stock of said original corporations into the capital stock of said consolidated corporation, and such other matters and things as may be necessary or proper to effect the purposes and merger aforesaid: *provided, however*, that such agreement of the directors herein before authorized shall be submitted to the stockholders of each of said corporations separately, at meetings specially called for that purpose, and, if approved by a vote of at least two-thirds of the stock represented at each of said meetings, said agreement so to be made by said directors shall become the agreement of said corporations respectively, and a certified copy thereof, together with a certificate of the adoption thereof by the stockholders of said respective corporations, under the hand of the secretary of each of said corporations, shall be filed in the office of the secretary of this Commonwealth.

One director to be citizen of this state.

Agreement to be submitted to stockholders of each corporation, separately.

Certificate to be filed with secretary of the Commonwealth.

New corporation under name of N. Y. N. Haven and Hartford Railroad Company.

SECTION 3. Upon the filing of such certificate said companies shall become and be merged and consolidated into one corporation, under the name of the New York, New Haven and Hartford Railroad Company, and shall become and be a body politic and corporate, and shall possess, hold and enjoy all the rights, powers, franchises and privileges, theretofore vested in either of said corporations, and all

property, real and personal, of said companies, shall be deemed to be vested in said consolidated corporation.

SECTION 4. All rights of creditors and all liens upon the property of either of said corporations shall continue unimpaired, and all debts, contracts and liabilities of either of said corporations shall continue unimpaired, and shall attach to and become binding upon such consolidated company, and may be enforced in the same manner and to the same extent as if incurred by said latter corporation, and in the courts of Massachusetts in all cases in which the claimants shall so elect.

Rights of creditors and liabilities of corporations to become binding upon consolidated company.

SECTION 5. Said consolidated corporation shall be subject to the charter of the corporation into which such merger is made: *provided, however*, that when a special duty or liability is imposed, or any special franchise, privilege or immunity is conferred on the corporation so merged by its charter, such duty or liability shall attach to and be discharged by, and such franchise, immunity or privilege be enjoyed by such consolidated corporation, so far as the same is applicable to the road and franchise of said merged corporation.

Consolidated corporation to be subject to charter into which merger is made. Proviso.

SECTION 6. Said consolidated corporation shall ticket passengers, check baggage, way-bill freight, transfer cars and give full and equal facilities for the convenient transfer of passengers, baggage and freight, to and from all connecting railroads, and shall make no unequal discrimination for or against either of such railroads, or any railroad that may at any time meet or connect with the said consolidated railroad.

To give equal facilities for transfer of passengers, etc., to and from all connecting roads.

SECTION 7. Said consolidated corporation shall at all times be subject to the legislature of this state as to that portion of its road in this state, as heretofore; and shall be subject to the general laws of this state as to its whole road so far as such laws may be applicable thereto.

That portion of road in Mass. to be subject to legislature of this state, etc.

SECTION 8. The provisions of the eleventh section of the charter of the New York and New Haven Railroad Company shall remain in force and apply to that portion of the road of the consolidated company which is now the New York and New Haven Railroad, and, for the purposes contemplated in that section, the portion of the consolidated road which is now the Hartford and New Haven Railroad, shall forever be considered a connecting road.

Provisions of eleventh section of charter of N. Y. and N. H. R. R. Co., to remain in force.

SECTION 9. This act and any act regarding the said consolidated corporation shall be subject to alteration, modification or repeal by the legislature.

Subject to alteration or repeal by legislature.

SECTION 10. This act shall take effect upon its passage.

Approved April 5, 1872.

Chap. 172 AN ACT TO AUTHORIZE THE FRAMINGHAM AND LOWELL RAILROAD COMPANY TO LEASE ITS ROAD, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Lease of Framingham and Lowell road to Boston, Clinton and Fitchburg Co. ratified. Corporations may unite and make joint stock upon terms to be agreed upon.

SECTION 1. The lease of the Framingham and Lowell Railroad to the Boston, Clinton and Fitchburg Railroad Company, heretofore made is hereby ratified and made valid.

SECTION 2. Said corporations may at any time hereafter, by a vote of a majority in interest of the stockholders present and voting at meetings of each corporation called for that purpose, unite and make joint stock upon such terms and conditions as may be mutually agreed upon, and such votes so passed by said corporations respectively, shall be effectual to unite said corporations within the intent and meaning of this act.

Powers, franchises, duties and liabilities of new corporation.

SECTION 3. The corporation, so formed shall have, hold and possess all the powers, privileges, rights, franchises, property, claims and demands which at the time of such union may be held and enjoyed by either of said existing corporations, and be subject to all the duties, restrictions, debts and liabilities to which, at the time of union, either is subject in severalty.

SECTION 4. This act shall take effect upon its passage.

Approved April 5, 1872.

Chap. 173 AN ACT TO CHANGE THE NAME OF THE FIRST UNITARIAN CHURCH IN SOUTH DANVERS.

Be it enacted, &c., as follows:

Name changed.

SECTION 1. The First Unitarian Church in South Danvers shall hereafter be called and known by the name of the First Unitarian Church in Peabody.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1872.

Chap. 174 AN ACT TO AUTHORIZE THE NEW LONDON NORTHERN RAILROAD COMPANY TO MORTGAGE ITS ROAD.

Be it enacted, &c., as follows:

May execute a second mortgage not exceeding \$500,000, to secure bonds.

SECTION 1. The New London Northern Railroad Company may make and execute a second mortgage on its road, franchise, equipment and property, real and personal, to an amount not exceeding five hundred thousand dollars, to secure bonds to that amount to be hereafter issued by said company, which second mortgage shall be subject to a first mortgage for three hundred thousand dollars heretofore made and executed by said company to secure the payment of bonds to that amount already issued, and now outstanding.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1872.

AN ACT IN RELATION TO THE SALE OF THE TROY AND GREENFIELD RAILROAD, THE HOOSAC TUNNEL AND THE SOUTHERN VERMONT RAILROAD.

Chap. 175

Be it enacted, &c., as follows:

SECTION 1. So much of section two of chapter three hundred and thirty-three of the acts of the year eighteen hundred and sixty-eight as authorizes the governor and council to dispose of the interest of the Commonwealth in the Troy and Greenfield Railroad, the Hoosac Tunnel and the Southern Vermont Railroad, is hereby repealed.

Interest in
Mass. in Hoosac Tunnel, &c.,
not to be disposed of.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1872.

AN ACT TO INCORPORATE THE MELROSE SAVINGS BANK.

Chap. 176

Be it enacted, &c., as follows:

SECTION 1. Wingate P. Sargeant, George W. Heath, Daniel W. Gooch, Daniel Norton, junior, Samuel O. Dearborn, Daniel Russell, their associates and successors, are hereby made a corporation by the name of the Melrose Savings Bank, to be located in Melrose, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or hereafter may be in force relating to institutions for savings.

Corporators.

Name and location.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1872.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO OBTAIN AN ADDITIONAL SUPPLY OF PURE WATER.

Chap. 177

Be it enacted, &c., as follows:

SECTION 1. The city of Boston is hereby authorized, by and through the agency of the Cochituate water board, to take, hold and convey to, into and through said city, all the water of Sudbury River, so called, said water to be taken at any point or points within the town of Framingham, or higher up on said river, and the water of Farm Pond, so called, in said town of Framingham, and the waters which may flow into and from said river and pond, and to take any water rights in or upon said river or pond, in or above the town of Framingham, or connected therewith. Said city may also take and hold, by purchase or otherwise, in connection with the said sources of supply, any lands and real estate necessary for increasing or preserving the purity of the water, or for laying, building and maintaining aqueducts, water-courses, reservoirs, dams, buildings, machinery and other structures and appliances, with their accessories, for conducting, elevating, purifying,

Boston may take water from Sudbury River and Farm Pond.

May take and hold lands for preserving the purity of water or for building aqueducts, etc.

storing, discharging, disposing of and distributing water; and may also take and hold any land, excepting any in the town of Framingham heretofore taken or purchased by any railroad company, on the margin of said sources of supply, not exceeding five rods in width from the high-water line of said river, storage, reservoirs or pond, so far as may be necessary in the opinion of said Cochituate water board, for the preservation and purity of the same, for the purpose of furnishing a supply of pure water for the city of Boston

May build permanent aqueducts to connect with reservoirs.

May connect water sources with Lake Cochituate.

May maintain reservoirs and filters.

May enter upon and dig up streets for laying down pipes, subject to regulations prescribed by selectmen of towns.

May take lands necessary for building dams and reservoirs for storing and discharging water.

SECTION 2. For the purposes of this act, the said city may make and build one or more permanent aqueducts from the aforesaid water sources to Chestnut Hill reservoir, so called, or to any other reservoir owned by said city, and secure and maintain the same by any works suitable therefor; may connect the said water sources with Lake Cochituate; may erect and maintain dams, or may increase the height of, and strengthen and maintain existing dams to raise the water above the same, or to form storage reservoirs; may make and maintain reservoirs within and without said city; may erect and maintain buildings and machinery for elevating the water, and lay down pipes for conducting the same; may build and maintain filters, or other means of purifying the water. And the said city may, for the purposes aforesaid, carry and conduct any aqueduct, or other work, by it to be made and constructed, under or over any water-course, or any street, turnpike road, railroad, highway or other way, in such manner as not to unnecessarily obstruct or impede travel thereon; and may enter upon and dig up any such road, street or way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same; and in general may do any other acts and things necessary or convenient and proper for the purposes of this act. Said city of Boston, in entering upon and digging up any such road, street or way of public travel, shall be subject to such reasonable regulations as shall be made by the selectmen of the towns wherein such work shall be performed, for the protection of their rights of drainage and sewerage therein.

SECTION 3. The city of Boston is hereby further authorized, by and through the agency of said Cochituate water board, if said board shall deem expedient, to store and distribute water for maintaining and equalizing the flow of water in the river selected by said city as its source of supply, or in the rivers into which said river may discharge, and for this purpose said city may take and hold such land

and real estate as may be necessary for building and maintaining dams, reservoirs or other structures and appliances for storing and discharging water. And the said city may, through the same agency, make and build such dams, reservoirs and other structures and appliances, at any point or points upon the said Sudbury River, and upon any and all streams flowing into the same.

SECTION 4. Nothing contained in this act shall be so construed as to authorize the city of Boston to reduce the water in Sudbury River below a sufficient height to maintain at all times a running stream therein, which shall flow at least one and one-half million gallons a day for each and every day in the year, or to draw from Farm Pond or Sudbury River into Lake Cochituate when the water runs over the dam at Lake Cochituate, or to prevent the inhabitants of the towns of Framingham, Ashland, Southborough, Hudson and Westborough from taking from the Sudbury or Assabet Rivers or Farm Pond so much of the water hereby granted as shall be necessary for extinguishing fires, and for all ordinary domestic and household purposes, and for the generation of steam, or from cutting and carrying away ice from said pond; or as to prevent the Boston and Albany Railroad Company; or the Mansfield and Framingham Railroad Company, or the Boston, Clinton and Fitchburg Railroad Company from taking water from Farm Pond, for use in locomotive or other engines, or for other railroad purposes, under such regulations of the city council of the city of Boston as may be essential for the preservation of the purity of the same.

Restrictions as to amount of water to be taken from Sudbury and Assabet Rivers and Farm Pond.

SECTION 5. The city of Boston shall be liable to pay all damages that shall be sustained by any persons in their property, by the taking of or injury to any land, real estate, water or water rights, or by the flowage of the lands of any persons, or by the interference with, or injury to any use or enjoyment of the water of said river to which any person, at the time of such taking, is legally entitled, or by any other doings under this act; and in regard to such taking, injury, interference and flowage, and the ascertainment and payment of all such damages, the said city of Boston, and all persons claiming damages, shall have all the rights, immunities and remedies, and be subject to all the duties, liabilities and regulations which are provided in the one hundred and sixty-seventh chapter of the acts of the year eighteen hundred and forty-six, and the three hundred and sixteenth chapter of the acts of the year eighteen hundred and fifty.

Liability for damages.

Streets to be restored to original order and condition.

Boston liable for defects in streets occasioned by laying pipes.

Proviso.

Penalties for maliciously diverting water or rendering the same impure.

Boston may supply Framingham, Newton, W. Roxbury, Brighton and Brookline with pure water.

Water for state normal school buildings in Framingham.

SECTION 6. Whenever the city of Boston shall dig up any street or way, as aforesaid, it shall restore the same in as good order and condition as the same shall be in when such digging commenced; and the city of Boston shall, at all times, indemnify and save harmless the several towns within which such street or way may be, against all damages which may be recovered against them respectively, and shall reimburse to them all expenses which they shall incur by reason of any defect or want of repair in any street or way caused by the construction of any of said works, or laying of said pipes, or by the maintaining or repairing the same: *provided*, that said city shall have due and reasonable notice of all claims for such damages or injury, and opportunity to make a legal defence thereto.

SECTION 7. If any person or persons shall wantonly or maliciously divert the water, or any part thereof, of any of the rivers, ponds, streams or water sources, which shall be taken by the city, pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other property held, owned or used by the said city, by the authority and for the purposes of this act, every such person or persons shall forfeit and pay to the said city three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action. And every such person or persons may, moreover, on indictment and conviction of either of the wanton and malicious acts aforesaid, be punished by fine not exceeding one thousand dollars, and imprisonment not exceeding one year, or by confinement to hard labor in the state prison for a term not exceeding ten years.

SECTION 8. The city of Boston is authorized, if said city shall deem it expedient so to do, to supply the towns of Framingham, Newton, West Roxbury, Brighton and Brookline, or either of them, with water, in such quantities, under such conditions and upon such terms as may be agreed upon between said city and said towns, or either of them; and such towns shall respectively have power to distribute the water so supplied among the inhabitants of said towns.

SECTION 9. The Commonwealth may take and convey water from said Sudbury River, or any of the reservoirs to be constructed by said city, to and for the use of the state normal school buildings, in said town of Framingham.

SECTION 10. This act shall take effect upon its passage.

Approved April 8, 1872.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE WESTFIELD *Chap. 178*
WATER WORKS.

Be it enacted, &c., as follows:

SECTION 1. The Westfield water works for the purpose named in the first section of the ninety-fifth chapter of the acts of the year eighteen hundred and seventy-one, may take land and convey water from the Pochassic Brook, in Montgomery, in the same manner and upon the same terms and conditions as they are now authorized to do by the act aforesaid.

The Westfield water works may convey water from the Pochassic Brook in Montgomery.

SECTION 2. This act shall take effect upon its passage.

Approved April 8, 1872.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE TRUSTEES OF *Chap. 179*
THE MEMORIAL HOSPITAL IN WORCESTER.

Be it enacted, &c., as follows:

SECTION 1. The trustees of the Memorial Hospital may accept, receive, hold, conduct and manage all moneys and personal estate given and bequeathed by the last will and testament of the late Ichabod Washburn of Worcester, for founding and maintaining a memorial hospital in Worcester, and all other moneys and personal estate which may hereafter be given or bequeathed to them for the purposes of said hospital, not exceeding four hundred thousand dollars in the whole, and may take and hold lands and real estate devised by the said Washburn or to be hereafter acquired by devise, grant, purchase or otherwise for the uses and purposes of said hospital, of the value of one hundred thousand dollars.

Trustees of Memorial Hospital in Worcester may receive and hold real and personal estate devised and bequeathed by Ichabod Washburn.

SECTION 2. This act shall take effect upon its passage.

Approved April 8, 1872.

AN ACT TO PROVIDE FOR THE LEASING AND LOCATION OF RAILROADS *Chap. 180*
AND FOR THE CONNECTION OF RAILROADS OF DIFFERENT GAUGES
AND THE GUARANTEEING OF BONDS BY RAILROAD CORPORATIONS.

Be it enacted, &c., as follows:

SECTION 1. Two railroad corporations created by this state, whose roads enter upon or connect with each other, may contract that either corporation shall perform all the transportation of persons and freight upon and over the road of the other; and any railroad corporation created by this state may lease its road to any other railroad corporation so created, with whose road it connects or which it intersects, upon such terms as the directors may agree and as may be approved by a majority in interest of the stockholders of each corporation at meetings duly called for the purpose; and copies of such contracts or leases shall be deposited with

Connecting railroads may contract, that either may transport passengers and freight over road of the other.
May lease road.

Copies of contracts to be de-

posited with
railroad com-
missioners.

the board of railroad commissioners, and full statements of the facts shall be set forth in the next annual return of such corporations or either of them: *provided*, that the facilities for travel and business on either of the roads of the said corporations shall not be diminished; and *provided, further*, that the income arising from such contracts or leases shall be subject to the provisions of law in regard to the right of the state to purchase the roads or reduce their tolls, in the same manner as that arising from the use of the roads.

Provisions of
1872, § 17,
not to prevent
guaranteeing of
bonds, etc.

SECTION 2. The seventeenth section of the fifty-third chapter of the acts of the year eighteen hundred and seventy-two, entitled "An Act to authorize the formation of railroad corporations," shall not be construed to prohibit any railroad corporation from guaranteeing, according to the provisions of the first section of the three hundred and eighty-fourth chapter of the acts of the year eighteen hundred and seventy-one, the bonds of any railroad corporation organized under the said act of the year eighteen hundred and seventy-two.

Routes of rail-
roads through
towns and cit-
ies.

SECTION 3. All railroads, including branches and extensions, hereafter constructed, the routes of which in any town or city are not fixed and determined by special act, shall have the routes thereof in any town or city fixed and determined according to the provisions of the sixth, seventh and eighth sections of the fifty-third chapter of the acts of the year eighteen hundred and seventy-two, entitled, "An Act to authorize the formation of railroad corporations"; and the provisions of the twelfth, thirteenth and fourteenth sections of the said act shall also be applicable to such railroads, including branches and extensions; and any party aggrieved as described in the thirteenth section of said act shall be entitled to relief as therein provided.

When railroads
of different
gauges cannot
agree as to ter-
minal accom-
modations, etc.,
railroad com-
missioners to
determine.

SECTION 4. If two connecting railroad corporations owning and operating roads of different gauges cannot agree, either as to the requisite terminal accommodations, or as to the manner in which, or the terms upon which freight and passengers shall be transferred from one road to the other and forwarded, the board of railroad commissioners, upon the petition of either party, and after due notice and hearing the parties interested, shall determine what accommodations are required, and also the compensation to be paid for the use of the said terminal accommodations, and for the receiving, transferring and forwarding of passengers and freight; and the award of the said board shall be binding upon the corporations until the same shall have been revised or altered by the said board; but no such revision or alteration shall be made within one year after the award.

SECTION 5. All acts and parts of acts inconsistent with *Repeal.*
this act are hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved April 8, 1872.

AN ACT TO AUTHORIZE THE REGISTER OF DEEDS FOR THE SOUTHERN *Chap. 181*
DISTRICT OF THE COUNTY OF ESSEX TO APPOINT AN ASSISTANT.

Be it enacted, &c., as follows:

SECTION 1. The register of deeds for the southern district *Assistant regis-*
of the county of Essex may, subject to the approval of the *ter of deeds for*
superior court in said county, appoint an assistant-register of *southern dis-*
deeds, for whose doings the said register shall be responsible. *trict of Essex.*
Said assistant shall be paid for his services by said register,
and shall be removable at his pleasure.

SECTION 2. Any document or paper certified by said *Documents*
assistant-register shall be admissible as evidence in all courts *signed by assist-*
of this Commonwealth, in the same manner and to the same *ant to be admis-*
extent as if such document or paper were certified or attested *sible as evi-*
by the register. *dence in the*
courts.

SECTION 3. This act shall take effect upon its passage.

Approved April 8, 1872.

AN ACT TO AUTHORIZE THE MARBLEHEAD AND LYNN RAILROAD *Chap. 182*
COMPANY TO CHANGE ITS LOCATION.

Be it enacted, &c., as follows:

SECTION 1. Instead of the location prescribed in the one *M*
hundred and forty-first chapter of the acts of the year eigh- *fr*
teen hundred and sixty-five, the Marblehead and Lynn Rail- *o*
road Company may locate its railroad from a junction of its *R*
railroad with the track of the Eastern Railroad Company in *S*
Swampscott, to a point of junction with the track of the *th*
Marblehead branch of the Eastern Railroad Company in *E*
Marblehead according to the provisions of the sixth, seventh *E*
and eighth sections of the fifty-third chapter of the acts of
the year eighteen hundred and seventy-two, entitled "An
Act to authorize the formation of railroad corporations";
and the provisions of the twelfth, thirteenth and fourteenth
sections of said act shall also be applicable to said railroad;
and any party aggrieved, as described in the thirteenth sec-
tion of said act, shall be entitled to relief as therein provided.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1872.

AN ACT TO EXTEND THE TIME FOR LOCATING AND CONSTRUCTING THE *Chap. 183*
SOUTH BOSTON FREIGHT RAILWAY.

Be it enacted, &c., as follows:

SECTION 1. The time within which the South Boston *Time extended*
Freight Railway Company may be organized is hereby ex- *for organiza-*
tion, construc-
tion, &c.

tended to the first day of May, in the year eighteen hundred and seventy-four, and the time within which the said company may locate and construct the railroad which it is by its charter authorized to build, is hereby extended to a period not exceeding six months from the said first day of May, in the year eighteen hundred and seventy-four.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1872.

Chap. 184 AN ACT TO AMEND THE CHARTER OF THE BOSTON CO-OPERATIVE BUILDING COMPANY.

Be it enacted, &c., as follows:

\$300,000 additional capital stock.

SECTION 1. The Boston Coöperative Building Company may increase its capital stock to an amount not exceeding three hundred thousand dollars, and hold and improve real estate outside of the limits of the city of Boston.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1872.

Chap. 185 AN ACT TO AUTHORIZE THE CITY OF CHELSEA TO CONSTRUCT A NEW DRAW IN CHELSEA BRIDGE.

Be it enacted, &c., as follows:

Chelsea may construct a new draw in Chelsea Bridge.

SECTION 1. The city of Chelsea may cause to be made, at the expense of said city, in lieu of the existing draw in the northerly end of Chelsea Bridge over Mystic River, a draw in said bridge, with a clear passage-way of forty-four feet in width, in such position and of such form and construction, and with such changes in the draw piers and bridges connected with said draw, as may become necessary or advisable in removing the old and in building and maintaining a new draw, as the harbor commissioners may determine; and all duties and liabilities now imposed by law upon said city of Chelsea, with respect to the existing draw in the northerly end of said bridge, shall be held to apply to such newly constructed draw.

SECTION 2. This act shall take effect upon its passage.

Approved April 9, 1872.

Chap. 186 AN ACT TO AUTHORIZE THE APPOINTMENT AND TO DEFINE THE DUTIES OF A HARBOR-MASTER FOR THE PORT OF FALL RIVER.

Be it enacted, &c., as follows:

Harbor-master for the port of Fall River.

SECTION 1. The board of mayor and aldermen of the city of Fall River may appoint a harbor-master for the port of Fall River who shall continue in office until a successor is qualified, and who before entering upon the duties of his office shall give to the treasurer of said city a bond, which shall be satisfactory to the board of mayor and aldermen, in the sum of two thousand dollars, conditioned upon the faith-

To give bonds.

ful performance of his duties ; and said harbor-master shall have the power to appoint a deputy when, in the opinion of the board of mayor and aldermen, it is necessary, and such appointment shall be subject to their approval, and said board shall fix the salaries of both of said officers. Said harbor-master shall enforce the provisions of this act.

May appoint a deputy.

SECTION 2. All vessels entering the said harbor shall be anchored according to the direction of the harbor-master.

Vessels to be anchored under his direction.

SECTION 3. Every vessel before unloading lumber in the stream, shall get a permit from the harbor-master designating where such lumber may be rafted to avoid obstructing the channel or hindering the movements of other vessels.

Vessels unloading lumber to get permit, etc.

SECTION 4. Every vessel lying in the harbor or at any wharf or pier in said port, shall, when directed by the harbor-master, cockbill the lower yards, brace the topsail yards, fore and aft, and rig in the jib-boom.

Vessels at wharves to cockbill and brace yards, etc.

SECTION 5. Said harbor-master may cause to be moved any vessel lying in the harbor and not anchored according to his direction, and not moving when directed by him so to do, and the expense thereof shall be paid by the master or owners of such vessel ; and in case of neglect or refusal to pay after the same shall have been demanded, said expense may be recovered of said master or owners by the harbor-master to the use of the said city in an action of contract.

Harbor-master may cause vessels to be moved, etc.

SECTION 6. No person shall throw or deposit in said harbor or any part thereof, any stones, gravel, ballast, cinders, ashes, dirt, mud or other substance which may in any way tend to injure the navigation thereof.

Gravel, etc., not to be thrown into harbor, to injure navigation.

SECTION 7. No warp or line shall be passed across the channel, or any dock, so as to obstruct vessels passing along the same.

Warp or line not to be passed across channel or dock.

SECTION 8. If any vessel occupying a berth at any of the wharves or piers of said city, either with or without the consent of the wharfinger thereof, shall fail to vacate such berth upon notice from the wharfinger or his agent to the master, or those having such vessel in charge for the time being, in a reasonable time, to be adjudged by the harbor-master, the harbor-master shall then cause such vessel to be moved to some other berth or anchored in the stream, and the expense thereof may be collected of the master or owners thereof, by the harbor-master, to the use of said city in an action of contract.

If vessel at wharf is not moved when ordered by the wharfinger, harbor-master may move her.

SECTION 9. The harbor-master shall have authority to regulate and station all vessels in the stream of said harbor, and to remove such as are not employed in receiving or discharging their cargoes, to make room for such others as

Harbor-master may regulate and station all vessels in the stream.

require to be more immediately accommodated for the purpose of receiving or discharging their cargoes, and as to the fact of their being fairly and actually employed in receiving or discharging their cargoes, the said harbor-master is hereby constituted the sole judge.

Penalty for refusing to obey instructions.

SECTION 10. Whoever shall refuse or neglect to obey the instructions of said harbor-master, or shall resist him in the execution of his duties, shall forfeit and pay a fine not exceeding fifty dollars.

Offenders liable in action of tort.

SECTION 11. Any person violating the provisions of this act, in addition to any fines imposed in accordance herewith, shall be liable in an action of tort to any person suffering damage by such violation.

Copy of act to be furnished to shipmasters.

SECTION 12. It shall be the duty of the harbor-master to place in the hands of the master of every vessel arriving at the port of Fall River a copy of this act.

SECTION 13. This act shall take effect upon its passage.

Approved April 9, 1872.

Chap. 187 AN ACT TO PROVIDE FOR THE UNIFORM ENLISTMENT OF BANDS EMPLOYED IN THE MILITIA SERVICE.

Be it enacted, &c., as follows :

Band of eighteen musicians allowed to each regiment, battalion and unattached company.

SECTION 1. The commander of a regiment, battalion or unattached company, may raise by voluntary enlistment, and warrant and organize within the limits of his command, to be under his direction and command at encampments, or at any parade ordered by the commander-in-chief, a band of musicians, not to exceed eighteen, inclusive of a master and deputy-master.

Repeal.

SECTION 2. So much of section twenty-three, chapter two hundred and nineteen of the acts of the year eighteen hundred and sixty-six as is inconsistent herewith, is hereby repealed.

Approved April 10, 1872.

Chap. 188 AN ACT TO SUPPLY THE TOWNS OF CONCORD AND LINCOLN WITH PURE WATER.

Be it enacted, &c., as follows :

Concord and Lincoln to be supplied with pure water.

SECTION 1. The town of Concord is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses, and may establish public fountains and hydrants, and regulate their use, and discontinue the same, and may collect such rents as may be fixed for the use of such water.

May take water from Sandy Pond in Lincoln.

SECTION 2. Said town, for the purposes aforesaid, may take and hold the waters of Sandy Pond, so called, in the town of Lincoln, and the waters which flow into and from the same, and may also take and hold, by purchase or other-

wise, all necessary lands for raising, flowing, holding, diverting, conducting, purifying and preserving such waters, and conveying the same to any and all parts of said town of Concord, and may erect thereon proper dams, reservoirs, buildings, fixtures and other structures, and make excavations and embankments, and procure and run machinery therefor; and for such purposes may construct and lay down conduits, pipes and drains in, under or over any lands, water-courses or railroads, and along any street, highway, alley or other way, in such manner as not to unnecessarily obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other proper purposes of this act, may dig up, raise and embank any such lands, street, highway, alley or other way, in such manner as to cause the least hindrance to travel thereon: *provided*, that within ninety days after the time of taking any lands, waters or water-courses as aforesaid, otherwise than by purchase, said town shall file in the registry of deeds for the southern district of the county of Middlesex, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same is taken, signed by the water commissioners hereinafter named.

May build aqueducts, erect dams, etc.

May dig up highways.

Proviso.

SECTION 3. Said town of Concord shall be liable to pay all damages sustained by any persons or corporations in their property by the taking of any lands, water or water-rights, or by the construction of any aqueducts or other works for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid, cannot agree with the town upon the amount of such damages, they may have them assessed in the manner provided by law with respect to land taken for highways; but no application shall be made to the county commissioners for the assessment of damages for the taking of water-rights, until the water is actually taken and diverted by said town. Any person whose water-rights are thus taken or affected, may apply as aforesaid within three years from the time the water is actually withdrawn or diverted, and not thereafterwards.

Liability for damages.

No application to be made for assessment of damages, until water is actually taken by the town.

SECTION 4 For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town of Concord shall have authority from time to time to issue notes, bonds or scrip, signed by the treasurer and countersigned by the chairman of the selectmen, to be denominated "Concord Water Loan," to an amount not exceeding fifty thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable

"Concord Water Loan" not to exceed \$50,000.

semi-annually, at a rate not exceeding six per centum per annum; and said town may sell said bonds at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, and may raise money by taxation to pay said bonds and interest thereon when due; but said town shall not raise more than five thousand dollars in any one year to pay the principal of said bonds, except the year in which the same may become due.

Water board to consist of treasurer, chairman of selectmen, and three inhabitants to be chosen by ballot.

SECTION 5. The treasurer of said town and the chairman of the selectmen, *ex officio*, and three persons to be elected by ballot by the said inhabitants, as hereinafter provided, shall form a board of water commissioners, who shall execute, superintend and direct the performance of all the works, matters and things mentioned in this act, and exercise all the rights, powers and privileges hereby granted, and not otherwise specifically provided for herein, subject to the vote of said town.

Term of office of commissioners.

SECTION 6. At any special or annual meeting of the inhabitants of said town, called for the purpose, one of the three persons to be chosen according to the provisions of the preceding section, shall be elected for a term ending one year, one for a term ending two years, and one for a term ending three years from the next succeeding annual town meeting, after which first election, one of said board, as his term expires, shall be elected at the annual town meeting for the term of three years. Said commissioners shall receive such salaries or compensation as the said town by vote may prescribe, and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act.

Compensation.

Price of water to be so fixed as to pay interest and one per cent. of principal of water loan.

SECTION 7. Said water commissioners shall establish such prices or rents for the use of the water, as to provide annually, if practicable, from the net income and receipts therefor, for the payment of the interest on the "Concord Water Loan," and also after three years from the introduction of the water into said town, for the further payment of not less than one per centum of the principal of said bonds. The net surplus income and receipts, after deducting all expenses, interest and charges of distribution, shall be set apart as a sinking fund, to be held by the trustees of town's donations, and applied solely to the payment of the principal of said bonds until the same are fully paid and discharged. The said water commissioners shall annually, and as often as said town may require, render an account of all their doings in relation thereto.

Sinking fund.

SECTION 8. At any time after the expiration of three years from the introduction of said water into said town, and before the reimbursement of the principal of said Concord water loan, if the surplus income and receipts for the use of the water distributed under this act, at the price established by the water commissioners, after deducting all expenses and charges of distribution, shall, for any two successive years be insufficient to pay the accruing interest on the said loan and the one per centum to the sinking fund as aforesaid, then the supreme judicial court, or any justice thereof, on the petition of twenty-five or more of the legal voters of said town, praying that the said price of said water be increased so far as may be necessary for the purpose of paying, from the said surplus income and receipts, the said accruing interest and the said one per centum to the sinking fund, and upon due notice of the pendency of such petition, given to said town in such manner as said court shall order, may appoint three commissioners, who upon due notice to the parties interested, may raise and increase the said price if they shall judge proper, so far as may be necessary for the purpose aforesaid, and no further; and the award of said commissioners, or the major part of them, being returned to said court at the next term thereof for the county of Middlesex, and accepted by said court, shall be binding and conclusive for the term of three years next after the said acceptance, and until the price so fixed shall, after said term, be changed by the said water commissioners or by said town.

If surplus income is not sufficient to pay interest, etc., S. J. C. may appoint commissioners who may raise the price of water.

Award of commissioners to be binding for three years.

SECTION 9. The occupant of any tenement or building shall be liable for the payment of the rent for the use of the water in such tenement or building, and also the owner thereof shall be liable, if, on being notified of such use, he does not object in writing thereto.

Occupants of tenement liable for use of water.

SECTION 10. Any person who shall use any of said water, except the town, and the inhabitants of the town of Lincoln, without the consent of the town, or who shall wantonly or maliciously divert the water or any part thereof, taken, held or used under the provisions of this act, or who shall wantonly or maliciously corrupt the same or render it impure, or who shall wantonly or maliciously destroy or injure any dam, conduit, aqueduct, pipe or hydrant, or other property, real or personal, held, owned or used by the said town for the purposes of this act, shall pay three times the actual damage to said town, to be recovered by an action of tort. Any such person, on conviction of either of the wanton or malicious acts aforesaid, shall be punished by fine not exceeding one

Penalty for unlawfully using or maliciously diverting water or rendering the same impure.

hundred dollars, or imprisonment not exceeding six months, or both said penalties.

Provisions concerning Concord to be applied to Lincoln.

SECTION 11. All the provisions of this act concerning the town of Concord, shall apply to the town of Lincoln ; and if, in the future, the water of said pond shall prove insufficient for both, the town of Lincoln shall be first supplied.

Subject to acceptance by vote of town.

SECTION 12. This act shall be void, as regards either town of Concord or Lincoln, unless accepted by a majority of legal voters of such town present and voting thereon, at a legal meeting held for the purpose within one year from the time this act goes into effect.

SECTION 13. This act shall take effect upon its passage.

Approved April 10, 1872.

Chap. 189

AN ACT RELATING TO SMALL-POX.

Be it enacted, &c., as follows :

Amendment to G. S. 26, § 51.

SECTION 1. Section fifty-one of the twenty-sixth chapter of the General Statutes is hereby amended by inserting after the word forty-six the following : so far as they confer authority for the removal of patients from their homes, except in case of persons residing in boarding-houses, hotels, or where two or more families occupy the same dwelling, and in all other cases where in the opinion of the board of health and the attending physician the case cannot be properly isolated.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1872.

Chap. 190

AN ACT TO RE-ESTABLISH THE ALEWIFE AND OTHER FISHERIES IN THE TOWNS OF BRIDGEWATER, WEST BRIDGEWATER, EAST BRIDGEWATER AND HALIFAX.

Be it enacted, &c., as follows :

Fishways to be erected and maintained by owners of dams.

SECTION 1. The owners and proprietors of the dams on the Town River, in the towns of Bridgewater and West Bridgewater, on the Satucket River, in the town of East Bridgewater, and on the Monponset River or brook, in the town of Halifax, are hereby required to erect and maintain fish-ways over or around said dams, and shall be subject to all the powers given to the commissioners on inland fisheries by chapter three hundred and forty-four of the acts of the year eighteen hundred and sixty-seven, and chapter three hundred and eighty-four of the acts of the year eighteen hundred and sixty-nine.

Herrings, alewives and shad not to be caught before May 1, 1875.

SECTION 2. No person shall take, catch, or cause to be taken or caught, by any means whatsoever, in any of said rivers or their tributaries, or the ponds out of which said rivers or tributaries flow, any of the fish called herrings,

alewives or shad, until the first day of May, in the year eighteen hundred and seventy-five.

SECTION 3. The inhabitants of the several towns named herein, shall, at their annual town meetings, in the year eighteen hundred and seventy-five, and annually thereafter, determine upon some place on said rivers, or their tributaries, within their limits, where said fish shall be taken, but neither of said towns shall establish more than one place upon said rivers or tributaries in the same year, where said fish shall be taken, and no person shall take said fish in any other place or places on said rivers or their tributaries, than those established as aforesaid; and no person shall take said fish in any of the ponds out of which said rivers or tributaries flow.

Inhabitants of towns to fix upon places where fish may be taken.

SECTION 4. The commissioners on inland fisheries shall have full power to regulate the day or days of the week upon which the inhabitants of said towns shall take said fish, assigning to each of said towns separate days for fishing; and no person shall take or cause to be taken any of said fish at any other time or times than those which shall be prescribed by said commissioners.

Commissioners to regulate days of the week, when fish may be taken.

SECTION 5. The inhabitants of the several towns named herein, may make all proper regulations concerning said fisheries, not in conflict with the other provisions of this chapter, and the general laws relating to inland fisheries, and may lease all or either of said fisheries for a term not exceeding three years, or may otherwise dispose of the same from year to year as they shall deem fit, but shall have no right to re-lease or sell the same.

Regulations concerning fisheries may be made by inhabitants of towns.

SECTION 6. Any person offending against any of the provisions of this act, shall forfeit for each offence a sum not less than five nor more than thirty dollars, and shall be subject to all further penalties in such cases as is by law made and provided.

Penalties.

SECTION 7. All other special laws relating to said fisheries upon said rivers and tributaries are hereby repealed.

Repeal.

Approved April 12, 1872.

AN ACT IN RELATION TO SIGN BOARDS AT GRADE CROSSINGS OF RAILROADS AND HIGHWAYS.

Chap. 191

Be it enacted, &c., as follows:

Where a gate or a flagman is maintained by a railroad corporation at any crossing of a railroad by a highway at grade, the corporation may substitute, in place of the posts and boards prescribed in section eighty-four of chapter sixty-three of the General Statutes, warning boards on each

When gate, etc., is maintained at a crossing of railroad by highway at grade, such warning boards may be erected as commissioners approve.

side of the crossing, of such form, size and description as the board of railroad commissioners shall approve.

Approved April 12, 1872.

Chap. 192 AN ACT TO INCORPORATE THE CONCORD FIRE INSURANCE COMPANY.
Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

Capital stock and shares.

SECTION 1. George M. Brooks, John Cummings, George Heywood, their associates and successors, are hereby made a corporation by the name of the Concord Fire Insurance Company, in the town of Concord, for the purpose of making insurance against loss by fire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or hereafter may be in force relating to such corporations.

SECTION 2. Said corporation shall have a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each, and may commence business when one hundred thousand dollars of the capital stock is subscribed and paid in in cash.

SECTION 3. This act shall take effect upon its passage.

Approved April 12, 1872.

Chap. 193 AN ACT TO INCORPORATE THE BROOKFIELD SAVINGS BANK.
Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

SECTION 1. Emmons Twichell, Charles O. Brewster, Henry L. Butterworth, H. V. Crosby, George L. Twichell, H. D. Fales, George W. Johnson, their associates and successors, are hereby made a corporation by the name of the Brookfield Savings Bank, to be located in the town of Brookfield; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force applicable to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1872.

Chap. 194 AN ACT TO AUTHORIZE THE EASTERN RAILROAD COMPANY TO BUILD
A WHARF IN SALEM.

Be it enacted, &c., as follows :

Eastern Railroad may construct wharves in Salem.

SECTION 1. License is hereby given to the Eastern Railroad Company, its successors and assigns, to construct a wharf or wharves either solid or on piers, across the flats in front of the estate now owned by the said corporation on Derby street in said Salem, in a direction towards the northwest side of the channel of the harbor of Salem for such distance from the present line of the shore as may be approved by the board of harbor commissioners; and shall

have the right to lay vessels at the ends and sides of such wharf or wharves and receive dockage and wharfage thereon: *provided*, that this license is given subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six and of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine. Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1872.

AN ACT TO RATIFY AND CONFIRM A MORTGAGE GIVEN BY THE WINTHROP RAILROAD COMPANY TO THE TOWN OF WINTHROP.

Chap. 195

Be it enacted, &c., as follows:

SECTION 1. Twenty bonds, dated May first in the year eighteen hundred and seventy-one, each for one thousand dollars, payable in twenty years, with interest warrants attached, issued by the town of Winthrop to the Winthrop Railroad Company, under the authority contained in chapter two hundred and two of the acts of the year eighteen hundred and sixty-seven, and a note and mortgage made by said company to said town, dated August twenty-eight, of the same year, to secure and indemnify said town for and on account of said bonds are hereby ratified and confirmed. Bonds and mortgage issued by town of Winthrop, confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1872.

AN ACT TO AUTHORIZE THE FITCHBURG HOTEL COMPANY TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Chap. 196

Be it enacted, &c., as follows:

. The Fitchburg Hotel Company may hold real and personal property to an amount not exceeding forty thousand dollars in addition to the amount which it is now authorized to hold. Additional real and personal estate.

Approved April 12, 1872.

AN ACT TO ANNEX MOUNT HOPE CEMETERY TO THE CITY OF BOSTON.

Chap. 197

Be it enacted, &c., as follows:

• SECTION 1. All that territory lying in the town of West Roxbury, being the property of the city of Boston, and known as Mount Hope Cemetery with the inhabitants and estates therein is hereby annexed to and made a part of the city of Boston, and shall hereafter constitute a part of the county of Suffolk, subject to the same municipal regulations, obligations and liabilities and entitled to the same immunities in all respects as the said city. The said territory is bounded as follows, beginning at the north-west corner of Back and Walk Hill streets, on the boundary line between the city of Boston and the town of West Roxbury as it existed before the passage of this act; thence running Mount Hope Cemetery annexed to city of Boston.

Boundaries of territory annexed.

north-westerly by the south-westerly line of Walk Hill street to a private way leading along the north-westerly boundary of Mount Hope Cemetery from Walk Hill street to Canterbury street; thence south-westerly by the south-easterly line of said private way, to Canterbury street; thence south-easterly on the division line between Mount Hope Cemetery and land of Samuel Whittimore to an angle in said line; thence again south-westerly by the north-westerly boundary line of Mount Hope Cemetery to a private way leading from Canterbury street to Berry street; thence south-easterly by the north-easterly line of said private way to the division line between Mount Hope Cemetery and Mount Calvary Cemetery; thence north-easterly by the said division line between Mount Hope Cemetery and Mount Calvary Cemetery, to an angle in said line; thence south-easterly by the same to Back street; and thence north-easterly by the north-westerly line of Back street, being the boundary line between said city of Boston and said town of West Roxbury, as it existed before the passage of this act, to the point of beginning.

SECTION 2. This act shall take effect upon its passage.

Approved April 12, 1872.

Chap. 198 AN ACT TO AUTHORIZE THE COLLINS PAPER COMPANY TO TAKE WATER FROM NINE-MILE POND.

Be it enacted, &c., as follows :

May take water from nine-mile pond in Wilbraham.

SECTION 1. The Collins Paper Company may take water from Nine-Mile Pond in the town of Wilbraham and conduct the same to their property at Collins depot, for manufacturing and domestic purposes, and may erect and maintain such dams, gates, embankments and other structures upon said pond as may be necessary to insure the purity of the water and to conduct the same therefrom to and through their pipes, may purchase land and additional water rights, for the purposes aforesaid, may lay its water-pipes through any private lands, with the right to enter upon the same for necessary repairs, and may carry its pipes under any railroad, street or highway in such manner as not to obstruct the same.

Liability for damages.

SECTION 2. Said company shall be liable to pay all damages that may be sustained by any person or corporation by reason of taking said water, or laying said pipes; and if the amount of damages cannot be agreed upon between the parties, the same shall be determined and recovered in the same manner as is provided with respect to land taken for highways.

SECTION 3. This act shall take effect upon its passage.

Approved April 12, 1872.

AN ACT TO ESTABLISH THE CENTRAL DISTRICT COURT OF WORCESTER. *Chap. 199*
Be it enacted, &c., as follows:

SECTION 1. A court is hereby established under the name of the Central District Court of Worcester, and the city of Worcester and the towns of Millbury, Sutton, Auburn, Leicester, Paxton, West Boylston, Boylston, Holden and Shrewsbury, shall constitute a judicial district under the jurisdiction of said court. Central district court of Worcester established.

Said court shall, except as hereinafter provided, have the same jurisdiction, power and authority, shall perform the same duties and be subject to the same regulations as are provided in respect to the municipal court of the city of Worcester; and all provisions of law relating to criminal and civil proceedings, the taxation of costs, the payment of fines, the expense of courts and all returns applicable to the said municipal court shall apply to the court hereby established, and the clerk receiving the fees, fines, forfeitures and costs accruing from the business of the court in criminal cases shall account for and pay over the full amount thereof in the manner provided by law.

SECTION 2. The said court and the justice thereof shall have the same power and jurisdiction within said district, as the municipal court of the city of Worcester or the justice thereof had when said court was established or now have in said city, in all matters relating to crimes or offences, and in receiving complaints, and issuing warrants, and when the court is not in session the justice thereof may receive complaints and issue warrants. Court to have same jurisdiction as had by municipal court of Worcester.

SECTION 3. All cases pending at the time this act shall take full effect, whether civil or criminal, in the municipal court of the city of Worcester shall be transferred to and have day in the proper day and term of the court hereby established, and all writs, processes, complaints, petitions and proceedings whatever, which are made returnable or to be entered in said municipal court shall be returnable to, entered and have day in the proper day and term of said district court, and all judicial writs and processes and copies founded upon the records of said municipal court or of the police court of Worcester shall issue under the seal of said district court in like manner, and to the same effect as the same might have issued from the said municipal or police court if this act had not passed, and all writs and processes may be made returnable to the several days and terms of said municipal court now established by law till this act shall take full effect, and then all such writs and processes Cases pending in municipal court to be transferred.

shall be made returnable to the days and terms herein established.

Records to remain in possession of clerk of district court.

SECTION 4. The records of the said municipal court and all records now in the possession of said court shall remain in the custody of the clerk of the said central district court of Worcester.

One justice and two special justices.

SECTION 5. There shall be appointed, commissioned and qualified agreeably to the constitution one justice and two special justices of said district court, and one of said special justices shall be appointed, commissioned and qualified as first special justice, and as vacancies occur they shall be filled by appointment in the same manner. The justice of said court shall receive an annual salary of three thousand dollars, and at the same rate for any part of a year to be paid monthly from the treasury of the Commonwealth, which shall be in full for all services rendered by him as justice of said court or otherwise, *ex officio*. The first special justice shall officiate in case of the absence or other inability or disability of said justice or when two or more separate sessions shall be held at the same time, or when there is a vacancy in the office of justice, and in case of the absence, inability or disability of the justice or the first special justice, the second special justice may upon request officiate. The special justices shall be paid by the justice eight dollars for each day on which they may hold a session of said court.

Salary of justice.

Compensation of special justices.

Two or more sessions of court may be held at same time.

SECTION 6. Two or more sessions of said court may be held at the same time, and in such case the justice may retain to his own use from the fees received in said court all sums paid by him to the special justice holding one of said sessions, in addition to all sums which he is now entitled to retain: *provided*, the sum authorized to be paid to the special justice under the provisions of this section shall not exceed five hundred dollars in any one year.

Clerk of municipal court to be clerk of district court until successor appointed.

SECTION 7. The clerk of the municipal court of the city of Worcester, now acting, shall be the clerk of said central district court of Worcester, until his successor is appointed and qualified; and he shall have the same powers and perform the same duties that he now does. A clerk of said court shall be appointed and commissioned by the governor for the term of seven years, and shall receive for annual salary and clerk hire the sum of two thousand five hundred dollars, to be paid monthly from the treasury of the Commonwealth, and shall faithfully perform all services required by law of the clerks of like courts in the Commonwealth, and shall be qualified and give bond in the same manner

and amount as is now provided for the clerk of the municipal court of the city of Worcester.

SECTION 8. The justice and clerk shall not be retained or employed as counsel or attorney in any writs, complaints or proceedings returnable to or pending in said court, nor in any suit which has been examined or tried therein, nor shall the special justices be retained or employed as aforesaid in any matter tried before them in said district court.

Justices and clerk not to act as counsel, &c.

SECTION 9. The said court shall have original concurrent jurisdiction with the superior court in the county of Worcester in all civil actions and proceedings in which the debt or damages demanded or property replevied does not exceed in amount or value three hundred dollars, and the jurisdiction of said court shall, when the plaintiff and defendant both reside in the district, exclude the jurisdiction of municipal and police courts, justices of the peace, and other district courts: *provided*, that where there are two or more plaintiffs or defendants or one or more trustees, the jurisdiction of the court shall not be exclusive unless all the parties reside in the district.

Jurisdiction of the court.

SECTION 10. When one of several defendants resides within the district, the writ issued by said court may run into any county, and be served on the other defendant or defendants fourteen days, at least, before its return day, in like manner as if issued by the superior court.

When one of several defendants resides within district, writ may run into any county.

SECTION 11. All proceedings duly commenced before any trial justice, or justice of the peace, for said county, within said district, before this act shall take full effect, shall be prosecuted and determined as if this act had not been passed, and except as herein provided, the jurisdiction of trial justice, justice of the peace, and municipal and police courts, and other district courts, shall be excluded within the judicial district created by this act. No justice of the peace shall hereafter be allowed any fees for warrants issued within said district, and all warrants so issued shall be made returnable before said district court.

Proceedings already commenced before a trial justice to be prosecuted, &c., in this court.

SECTION 12. The said court shall have power to establish a seal therefor, and the same power to issue all writs and processes, and to appoint all officers that may be necessary for the transaction of the business of the court, which the said municipal court now has, and the said court may, from time to time, make rules for regulating the practice and conducting the business therein in all cases not expressly provided for by law.

Court may establish a seal, and appoint officers of the court.

SECTION 13. The said court shall be held for criminal business daily, except on Sundays and legal holidays, at

Court for criminal business to be held daily,

and for civil
business week-
ly.

nine o'clock in the forenoon, and in the afternoon whenever it appears expedient to the justice thereof.

The court shall be held for civil business weekly; each term shall commence on Saturday, and actions therein may be continued to any future day fixed for the sitting of the court.

Trials by jury.

SECTION 14. On the return day of the writ, either party may demand a trial by jury, in writing, which shall be granted by said court. If neither party demand a trial by jury, the right to have such trial shall be taken to be waived. The jury trial shall be in accordance with the provisions of chapter one hundred and thirty-two of the General Statutes, and the judgment of said court in all cases in which the title to real estate is not put in issue by the pleadings, shall be final, unless appeal is taken therefrom, or exceptions and appeals on matters of law are had, as hereinafter provided.

Right of appeal.

SECTION 15. In all cases in said court, except where a jury trial is had, or the value of the property replevied or the amount claimed in the writ does not exceed the sum of fifty dollars, either party may appeal to the superior court, in the manner now provided by law for taking appeals from the judgment of the municipal court of the city of Worcester, and in cases where a jury trial is had, exceptions and appeals on matters of law may be had to the supreme judicial court in the manner now provided by law for taking exceptions and appeals from the superior court to the supreme judicial court.

**Jury to be sum-
moned from
towns of dis-
trict.**

SECTION 16. Whenever a jury shall become necessary for the trial of any actions or proceedings in said district court under the provisions of this act, the clerk of said court is hereby authorized and required to issue writs of *venire facias*, directed to the sheriff of the county or either of his deputies, or a constable of any city or town in said district, for the summoning of jurors, and the jurors shall be summoned from the towns in the judicial district.

**Provisions of
G. S. 129, §§ 7, 8,
9, 11, 12, 26, 40,
78, to apply.**

SECTION 17. Sections seven, eight, nine, eleven, twelve, twenty-six, forty and seventy-eight of chapter one hundred and twenty-nine of the General Statutes, shall apply to civil actions before said court.

Repeal.

SECTION 18. All laws establishing the municipal court of the city of Worcester, or giving jurisdiction to said court, except so far as may be necessary that the same should be supported for the purpose of this act, and all acts and parts of acts inconsistent with the provisions of this act are hereby repealed from the day this act shall take full effect; and if upon said day any term of said municipal court shall be in

session, or shall have been adjourned to a future day, the remainder of said term may be held by the justice of said district court.

SECTION 19. This act shall take effect so far as appointing, commissioning and qualifying the justice, clerk and special justices of said court are concerned, on the first day of April, eighteen hundred and seventy-two, and shall take full effect on the first day of May next. *When to take effect.*

Approved April 18, 1872.

AN ACT TO ESTABLISH THE FIRST DISTRICT COURT OF EASTERN WORCESTER.

Chap. 200

Be it enacted, &c., as follows:

SECTION 1. The towns of Northborough, Southborough, Westborough and Grafton, shall constitute a judicial district, under the jurisdiction of the court hereby established therein, by the name of the First District Court of Eastern Worcester. Said court shall, except as is hereinafter provided, have the same jurisdiction, power and authority, shall perform the same duties and be subject to the same regulations as are provided in respect to existing police courts, except the municipal courts of Boston and Worcester, by chapter one hundred and sixteen of the General Statutes, and by all general laws passed in amendment thereof applicable to the several police courts of the Commonwealth; and all provisions of law relating to criminal and civil proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with county and town for money paid into court as forfeitures or otherwise, and all other returns and requirements of law applicable to the several police courts of the Commonwealth, except those before mentioned, shall apply to the First District Court of Eastern Worcester hereby established. *First district court of Eastern Worcester established.*

SECTION 2. Said district court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified, pursuant to the constitution and laws of the Commonwealth. *One standing justice and two special justices.*

SECTION 3. Either of the justices of said court may issue warrants in all proper cases. No justice of the peace shall hereafter be allowed any fees for warrants issued within said district, and all warrants so issued shall be made returnable before said court. *Either justice may issue warrants.*

SECTION 4. Said court for criminal business, shall be held in some suitable place to be furnished by the county of Worcester, except on legal holidays, in Westborough, on Monday, Wednesday and Friday of each week, and in Grafton on Tuesday, Thursday and Saturday in each week, at *Courts for criminal and civil business.*

nine o'clock in the forenoon and in the afternoon, if required; and for civil business, in Westborough on Monday, and in Grafton on Tuesday in each week, and at such other times as may be fixed according to law.

Salaries of justices.

SECTION 5. The standing justice of said court shall receive an annual salary of eight hundred dollars, to be paid from the treasury of the Commonwealth; the compensation of the special justices shall be determined and paid in the manner now provided by law for special justices of police courts.

Jurisdiction of the court.

SECTION 6. Said court shall also have concurrent jurisdiction with the superior court in the county of Worcester in all personal actions, in which the debt or damages demanded or property replevied does not exceed in amount or value three hundred dollars, and on the return day of the writ either party may demand a trial by jury in writing, which shall be granted by said court. If neither party demand a trial by jury, the right to have such trial shall be taken to be waived. The jury trial shall be in accordance with the provisions of chapter one hundred and thirty-two of the General Statutes, and the judgment of said court in all actions in which the title to real estate is not put in issue by the pleadings, shall be final, unless appeal is taken therefrom, or exceptions and appeals on matters of law are had as hereinafter provided.

Jury trials.

Right of appeal.

SECTION 7. In all cases in said court, except when a jury trial is had, or the value of the property replevied, or the amount claimed in the writ does not exceed the amount of fifty dollars, either party may appeal to the superior court, in the manner now provided by law for taking appeals from the judgment of justices of the peace; and in cases where a jury trial is had, exceptions and appeals on matters of law may be had to the supreme judicial court in the manner now provided by law for taking exceptions and appeals from the superior court to the supreme judicial court.

Jury to be summoned from towns in the district.

SECTION 8. When a jury shall become necessary for the trial of any action or proceeding in said district court under the provisions of this act, the justice of said district court is hereby authorized and required to issue writs of *venire facias*, directed to the sheriff of the county, or either of his deputies, or a constable of any city or town in the district, for the summoning of jurors, and the jurors shall be summoned from the towns in the judicial district.

Proceedings commenced before trial justice, etc., to be there prosecuted.

SECTION 9. All proceedings duly commenced before any trial justice or justice of the peace for said county within said district, before this act shall take full effect, shall be

prosecuted and determined as if this act had not been passed, and except as herein provided, the jurisdiction of trial justices and justices of the peace shall be excluded within the judicial district created by this act.

SECTION 10. No writ or process issued by said district court in civil actions or proceedings shall run into or be served in any county other than Worcester County, except as provided in section seven of chapter one hundred and twenty, and in section seventy-seven of chapter one hundred and forty-two of the General Statutes. And in all civil actions in said court, wherein the writ or process is served upon the defendant in any county other than Worcester County, except as above provided, if the plaintiff names a sum not exceeding twenty dollars for debt or damages, he shall be entitled to no costs, except as provided in the following section, but the defendant shall recover the costs to which he would have been entitled had he been the prevailing party.

Writs and processes in civil actions not to run into any county but Worcester.

SECTION 11. If the plaintiff's claim in a writ served upon the defendant out of Worcester County as established on the trial exceeds twenty dollars and is reduced to that amount or less, or overbalanced by set-offs which could not have been proved in payment, it shall be considered for the purposes of the preceding section as having exceeded twenty dollars, and the party who finally recovers judgment in the suit shall be entitled to his costs.

Costs, if plaintiff's claim in writ served upon defendant out of county exceeds twenty dollars.

SECTION 12. The justice of said district court may retain for his own use from the fees received in said court all sums paid by him for the services of any special justice: *provided*, the sum so retained shall not in any one year exceed eight per centum of the annual salary of said justice; but no justice of said court shall receive any compensation besides his regular salary or allowances for making or issuing, in any capacity, complaints, warrants, subpoenas, or other process which he is by law authorized to issue, or for any service performed by him in the discharge of his official duties in said court.

Justice may retain fees sufficient to pay for services of special justices.

SECTION 13. This act shall take effect, so far as relates to the appointment, commissioning and qualifying the justices of said district court, upon its passage, and it shall take full effect upon the first day of July next.

When to take effect.

Approved April 13, 1872.

Chap. 201 AN ACT TO ESTABLISH THE SECOND DISTRICT COURT OF SOUTHERN WORCESTER.

Be it enacted, &c., as follows :

Second district court of Southern Worcester established.

SECTION 1. The towns of Blackstone, Uxbridge, Douglas and Northbridge, shall constitute a judicial district, under the jurisdiction of the court hereby established therein, by the name of the Second District Court of Southern Worcester. Said court shall, except as is hereinafter provided, have the same jurisdiction, power and authority ; shall perform the same duties and be subject to the same regulations as are provided in respect to existing police courts, except the municipal courts of Boston and Worcester, by chapter one hundred and sixteen of the General Statutes, and by all general laws passed in amendment thereof, applicable to the several police courts of the Commonwealth ; and all provisions of law relating to criminal and civil proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with the county and towns for money paid into court as forfeitures or otherwise, and all other returns and requirements of law applicable to the several police courts of the Commonwealth, except those before mentioned, shall apply to the court hereby established.

One standing justice and two special justices.

SECTION 2. Said court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified pursuant to the constitution and laws of the Commonwealth.

Either justice may issue warrants.

SECTION 3. Either of the justices of said court may issue warrants in all proper cases. No justice of the peace shall hereafter be allowed any fees for warrants issued within said district, and all warrants so issued shall be made returnable before said court.

Courts for criminal and civil business.

SECTION 4. Said court for criminal business shall be held in some suitable place, to be furnished by the county of Worcester, except on legal holidays, in Blackstone on Monday, Wednesday and Friday, and in Uxbridge on Tuesday, Thursday and Saturday in each week, at nine o'clock in the forenoon, and in the afternoon, if required ; and for civil business in Blackstone on Monday, and in Uxbridge on Saturday in each week, and at such other times as may be fixed according to law.

Salaries of justices.

SECTION 5. The standing justice of said court shall receive an annual salary of twelve hundred dollars, to be paid from the treasury of the Commonwealth ; the compensation of the special justices shall be determined and paid in the manner now provided by law for special justices of police courts.

SECTION 6. Said court shall also have original concurrent jurisdiction with the superior court in the county of Worcester, in all personal actions, in which the debt or damages demanded, or property replevied, does not exceed in amount or value three hundred dollars, and on the return day of the writ either party may demand a trial by jury, in writing, which shall be granted by said court. If neither party demand a trial by jury, the right to have such trial shall be taken to be waived. The jury trial shall be in accordance with the provisions of chapter one hundred and thirty-two of the General Statutes, and the judgment of said court in all actions in which the title to real estate is not put in issue by the pleadings shall be final, unless appeal is taken therefrom, or exceptions and appeals on matters of law are had, as hereinafter provided.

Jurisdiction of the court.

Jury trials.

SECTION 7. In all cases in said court, except where a jury trial is had, or the value of the property replevied, or the amount claimed in the writ does not exceed the amount of fifty dollars, either party may appeal to the superior court in the manner now provided by law for taking appeals from the judgment of justices of the peace; and in cases where a jury trial is had, exceptions and appeals on matters of law may be had to the supreme judicial court, in the manner now provided by law for taking exceptions and appeals from the superior court to the supreme judicial court.

Right of appeal.

SECTION 8. Whenever a jury shall become necessary for the trial of any action or proceeding in said district court, under the provisions of this act, the justice is hereby authorized and required to issue writs of *venire facias*, directed to the sheriff of the county, or either of his deputies, or a constable of any city or town in the district, for the summoning of jurors; and the jurors shall be summoned from the towns in the judicial district.

Jury to be summoned from the towns of the district.

SECTION 9. All proceedings duly commenced before any trial justice of the peace for said county within said district, before this act shall take full effect, shall be prosecuted and determined, as if this act had not been passed, and except as herein provided, the jurisdiction of trial justices and justices of the peace shall be excluded within the judicial district created by this act.

Proceedings commenced before trial justices to be there prosecuted.

SECTION 10. No writ or process issued by said district court in civil actions or proceedings, shall run into or be served in any county other than Worcester County except as provided in section seven of chapter one hundred and twenty, and in section seventy-seven of chapter one hundred

Writs and processes in civil actions not to run into any county but Worcester.

and forty-two of the General Statutes. And in all civil actions in said court, wherein the writ or process is served upon the defendant, in any county other than Worcester County, except as above provided, if the plaintiff names a sum not exceeding twenty dollars for debt or damage he shall be entitled to no costs, except as provided in the following section, but the defendant shall recover the costs to which he would have been entitled had he been the prevailing party.

Costs, if plaintiff's claim in writ served upon defendant out of county exceeds twenty dollars.

SECTION 11. If the plaintiff's claim in a writ served upon the defendant out of Worcester County, as established on the trial, exceeds twenty dollars and is reduced to that amount or less, or overbalanced by set-off which could not have been proved in payment, it shall be considered for the purposes of the preceding section as having exceeded twenty dollars, and the party who finally recovers judgment in the suit shall be entitled to his costs.

Justice may retain fees sufficient to pay for services of special justices.

SECTION 12. The justice of said district court may retain for his own use, from the fees received in said court, all sums paid by him for the services of any special justice: *provided*, the sum so retained shall not in any one year exceed eight per centum of the annual salary of such justice; but no justice of said court shall receive any compensation besides his regular salary or allowances for making or issuing in any capacity, complaints, warrants, subpoenas or other process which he is by law authorized to issue, or for any service performed by him in the discharge of his official duties in said court.

When to take effect.

SECTION 13. This act shall take effect so far as relates to the appointment, commissioning and qualifying the justices of said district court, upon its passage, and it shall take full effect on the first day of August next.

Approved April 13, 1872.

Chap. 202 AN ACT TO CHANGE THE TIME OF HOLDING THE PROBATE COURT AT ADAMS, IN THE COUNTY OF BERKSHIRE.

Be it enacted, &c., as follows:

Time changed for holding court at Adams.

The probate court for the county of Berkshire now required to be held at Adams each year on the Thursday next after the first Tuesday of April, shall hereafter be held at Adams on the Wednesday next after the first Tuesday of March in each year.

Approved April 13, 1872.

AN ACT MAKING APPROPRIATIONS FROM THE INCOME OF CERTAIN FUNDS, AND ALSO FROM THE MOIETY OF THE INCOME OF THE SCHOOL FUND APPLICABLE TO EDUCATIONAL PURPOSES.

Chap. 203

Be it enacted, &c., as follows:

SECTION 1. The sums hereinafter mentioned in this section are appropriated, and shall be allowed and paid out of the moiety of the income of the school fund applicable to educational purposes, and also from the income of other funds, as herein specified, for the year eighteen hundred and seventy-two, to wit:—

Appropriations authorized.

For the support of the state normal schools for the present year, a sum not exceeding forty-six thousand dollars.

State normal schools.

For teachers' institutes, a sum not exceeding three thousand dollars, the same to be expended in accordance with the provisions of chapter thirty-five of the General Statutes.

Teachers' institutes.

For aid to pupils in the state normal schools, a sum not exceeding four thousand dollars, payable in semi-annual instalments, to be expended under the direction of the board of education.

Aid to pupils in state normal schools.

For postage, printing, advertising, stationery, transportation of documents for the board of education, and for the secretary thereof, and also for any contingent expenses of the normal schools, not otherwise provided for, a sum not exceeding eleven thousand dollars.

Postage and printing for board of education.

For insurance on the normal school buildings and property, a sum not exceeding one thousand two hundred dollars.

Insurance on normal school buildings.

For expenses of the members of the board of education, a sum not exceeding three hundred dollars.

Expenses of board.

For the salary and expenses of such agents as the board of education may employ, including the transportation, exhibition of casts and other models in the department of drawing, a sum not exceeding six thousand dollars, in addition to the amount heretofore appropriated for the present year.

Salaries and expenses of agents.

For steam-heating apparatus for the normal school buildings at Bridgewater, a sum not exceeding six thousand dollars.

Heating school at Bridgewater.

For improving the grounds, completing the room for instruction in drawing, for furniture, philosophical and chemical apparatus, extra windows, repairs and painting at the normal school at Framingham, a sum not exceeding two thousand six hundred dollars.

Improving grounds, &c., at Framingham.

For the Massachusetts teachers' association, the sum of eight hundred dollars, on condition that said association shall furnish a copy of the "Massachusetts Teacher" to

Massachusetts Teachers' Association.

each school committee in the several cities and towns in the Commonwealth, during the year eighteen hundred and seventy-two, and furnish satisfactory evidence thereof to the auditor.

County associations.

For county teachers' associations, a sum not exceeding three hundred dollars.

American institute of instruction.

For the American institute of instruction, the sum of three hundred dollars, to be paid to the president of said institution in the month of August next.

Income of Rogers book fund.

The income of the Rogers book fund shall be expended in accordance with the conditions named by the donor, in conformity with chapter two hundred and fifteen of the acts of the year eighteen hundred and fifty-seven.

Income of Todd normal school fund.

The income of the Todd normal school fund shall be paid to the treasurer of the board of education, to be applied in such manner as shall be prescribed by said board, in accordance with chapter thirty-six of the General Statutes.

Income of agricultural college fund.

The income of the agricultural college fund shall be paid in accordance with the provisions of chapter one hundred and eighty-six, and chapter two hundred and twenty of the acts of the year eighteen hundred and sixty-three.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1872.

Chap. 204

AN ACT TO ESTABLISH THE SALARIES OF THE TREASURER AND RECEIVER-GENERAL, AND OF THE EXTRA CLERKS IN HIS DEPARTMENT.

Be it enacted, &c., as follows :

Salary of treasurer.

SECTION 1. The salary of the treasurer and receiver-general shall hereafter be five thousand dollars a year, commencing with the present year.

Salaries of extra clerks in treasury.

SECTION 2. The salaries of the extra clerks in the department of the treasurer and receiver-general, shall be fifteen hundred dollars each per annum, commencing with the present year.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1872.

Chap. 205

AN ACT TO INCORPORATE THE ASHMERE RESERVOIR ASSOCIATION.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Franklin W. Hinsdale, Thomas Colt, Charles O. Brown, their associates and successors are hereby made a corporation by the name of the Ashmere Reservoir Association, for the purpose of constructing and maintaining a reservoir of water in the easterly branch of the Housatonic River in the towns of Hinsdale and Peru, for the supply of mills now or hereafter to be situated on said river; with all the powers and privileges, and subject to all the duties,

Name and purpose.

Powers and duties.

restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

SECTION 2. Said corporation may hold real and personal estate necessary for the purposes aforesaid, and its whole capital stock shall not exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each: *provided*, the sum of forty thousand dollars shall be paid in in cash before any liability is incurred.

Real and personal estate.
Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1872.

AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE PENTUCKET NAVIGATION COMPANY.

Chap. 206

Be it enacted &c., as follows:

SECTION 1. The time mentioned in section eight of chapter one hundred and fifteen of the acts of the year eighteen hundred and sixty-seven, is hereby extended to three years from the passage of this act.

Time extended for improvement of navigation of river.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1872.

AN ACT TO CONFIRM CERTAIN ACTS OF THE SECOND HAWES CONGREGATIONAL SOCIETY OF SOUTH BOSTON.

Chap. 207

Be it enacted, &c., as follows:

SECTION 1. The meeting of the Second Hawes Congregational Society of South Boston, held on the eleventh day of March, in the year eighteen hundred and seventy-one, and all meetings held as adjournments of said meeting; the election of officers at said meeting and adjournments; the acts of said officers as appear by the records of said society; the meetings of said society held on the twenty-seventh day of June, in the year eighteen hundred and seventy-one, and by adjournment on the thirtieth day of said June; the election of officers at said meeting, and the acts of said officers as appear by the records of said society; and the meeting of said society held on the sixteenth day of January, in the year eighteen hundred and seventy-two, are hereby ratified, confirmed and made valid to all intents and purposes whatsoever.

Meetings held and election of officers, confirmed and made valid.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1872.

AN ACT TO AUTHORIZE THE SOUTH BAY COMPANY TO INCREASE ITS CAPITAL STOCK.

Chap. 208

Be it enacted, &c., as follows:

SECTION 1. The South Bay Company may increase its capital stock by an amount not exceeding two hundred

\$200,000 additional capital stock.

thousand dollars in addition to the amount heretofore authorized by law, to be divided into shares of one hundred dollars each, at such times and in such sums as the stockholders may determine, subject to the provisions of chapter three hundred and forty-four of the acts of the year eighteen hundred and fifty-three.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1872.

Chap. 209 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE PHILLIPS WHARF CORPORATION.

Be it enacted, &c., as follows :

May extend
wharf in Salem.

License is hereby given to the Phillips Wharf Corporation of Salem, its successors and assigns, to extend the wharf or wharves of said corporation, either solid or on piers, across the flats in front of the estate now owned by the said corporation on Derby Street, in said Salem, in a direction towards the north-west side of the channel of the harbor of Salem, for a distance not exceeding six hundred feet from the south-eastern extremity of said wharf as now built; and shall have the right to lay vessels at the ends and sides of such wharf or wharves, and receive dockage and wharfage thereon: *provided*, that this license is given subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine.

Proviso.

Approved April 18, 1872.

Chap. 210 AN ACT TO AUTHORIZE THE BOSTON BELTING COMPANY TO HOLD REAL ESTATE.

Be it enacted, &c., as follows :

May hold real
estate, not ex-
ceeding
\$350,000.

SECTION 1. The Boston Belting Company may hold the real estate already purchased by them in the counties of Norfolk and Suffolk, and purchase and hold such real estate as may be necessary for their business: *provided*, that the amount of the real estate to be purchased and held by them shall not exceed the sum of three hundred and fifty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 18, 1872.

Chap. 211 AN ACT TO AUTHORIZE THE BOSTON AND PROVIDENCE RAILROAD CORPORATION TO TAKE LAND IN ATTLEBOROUGH, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

May take land
near station-
house in Attle-
borough.

SECTION 1. The Boston and Providence Railroad Corporation may purchase or otherwise take a parcel of land near

their station house in the town of Attleborough, bounded north-westerly by a line parallel to and thirty-three feet north-westerly from a line running parallel to and midway between the inner rails of the main tracks of the road of said corporation as they now lie, northerly by the location of the Attleborough Branch Railroad, south-easterly by the north-westerly line of the land or location of the Boston and Providence Railroad, and southerly by Main street in Attleborough, for the purpose of constructing and maintaining an additional railroad track or tracks for the greater security of passengers on said roads, such taking to be subject to the payment of damages as provided by sections nineteen, twenty-one and twenty-two of chapter sixty-three of the General Statutes.

SECTION 2. The Boston and Providence Railroad Corporation shall, within six months after taking said land and before constructing any track or tracks on any part thereof, remove the remains of the dead, together with the headstones and monuments now in and upon the land described in the first section of this act, first giving notice to all persons interested, by a publication of this act three successive weeks in two weekly newspapers published in the county of Bristol, and by a notice in writing to the nearest kindred of the deceased interred in said land, known to reside within this Commonwealth.

Before tracks are constructed remains of the dead to be removed.

SECTION 3. The removals shall be made at the expense of the Boston and Providence Railroad Corporation, and under the supervision of the standing committee of the East Precinct of Attleborough; the remains of the dead so removed shall be reinterred in Woodlawn Cemetery in Attleborough in a proper and suitable manner, due regard being had to the wishes of the relatives and friends of the deceased; and a plan of the ground in said cemetery to which such remains shall be removed, showing the position of all the known dead so removed, shall be made and filed in the office of the town clerk of Attleborough, for future reference. The remains of all the dead in the land taken as aforesaid shall be removed, together with the headstones and monuments now remaining, which shall be duly replaced to indicate the new graves of the deceased, to whose memory they were erected. Removals of remains may be made by friends of the deceased, under the direction of said standing committee and subject to such reasonable restrictions as the Boston and Providence Railroad Corporation may impose.

Remains to be removed at expense of railroad under supervision of committee of East Precinct of Attleborough.

Removals may be made by friends.

SECTION 4. This act shall take effect upon its passage.

Approved April 17, 1872.

Chap. 212 AN ACT TO INCORPORATE THE HIGHLAND STREET RAILWAY COMPANY.

Be it enacted, &c., as follows:

Corporators.	SECTION 1. Donald Kennedy, George W. Wheelwright, Charles Hulbert, Augustus Parker, Augustus Hardy, William K. Lewis, John F. Newton, James Ritchie, William Sheaf and Orlando H. Davenport, their associates and suc-
Name and purpose.	cessors, are hereby made a corporation by the name of the Highland Street Railway Company, with authority to build, maintain and operate a street railway in the city of Boston, between Grove Hall and the line of Temple Place Street, and said railway may be located over the following streets, viz.: Warren, Cliff, Dudley, Guild Row, Shawmut Avenue, Tremont, between Shawmut Avenue and Temple Place Street, Eliot, Boylston, Washington, between Eliot and Temple Place Streets, and between Shawmut Avenue and Dudley Street, and Temple Place Street; with all the
Powers and duties.	powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.
May use tracks of other roads.	SECTION 2. Said corporation may enter upon and use with its own motive power, the tracks of any street railway laid in the streets through which the tracks of said corporation may be located or any part thereof, and purchase or lease from the Metropolitan Railroad Company, their tracks, in Warren Street and their Dorchester branch from Grove Hall: <i>provided, however,</i> that in granting a location the
Proviso.	board of aldermen may, if the interests of public travel demand, require said corporation to lay one or more additional tracks in any street now occupied by the track of any other street railway, and may restrict said corporation to the use of such additional track or tracks.
Capital stock.	SECTION 3. The capital stock of said corporation shall not exceed three hundred and fifty thousand dollars.
	SECTION 4. This act shall take effect upon its passage.

Approved April 17, 1872.

Chap. 213 AN ACT TO AUTHORIZE THE CITY OF LYNN TO RAISE ADDITIONAL FUNDS TO COMPLETE ITS WATER WORKS.

Be it enacted, &c., as follows:

May raise \$500,000 by borrowing or taxation for completion of water works.	SECTION 1. The city of Lynn may, for the purposes mentioned in chapter two hundred and eighteen of the acts of the year eighteen hundred and seventy-one, raise by taxation or by borrowing, from time to time, an amount not exceeding five hundred thousand dollars in addition to the
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amount therein authorized, upon like terms and conditions, and with like powers in all respects, as are provided in said act for the raising of money.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1872.

AN ACT RELATING TO IMPRISONMENT OF WITNESSES.

Chap. 214

Be it enacted, &c., as follows:

SECTION 1. No person who is ordered to recognize with sureties for his appearance as a witness before any court or magistrate and is unable to procure such sureties, shall be committed to prison, except in cases of felony.

Witness ordered to recognize, failing to procure sureties not to be committed except in case of felony.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Approved April 17, 1872.

AN ACT TO AMEND AN ACT IN RELATION TO THE DUKES COUNTY EDUCATIONAL ASSOCIATION.

Chap. 215

Be it enacted, &c., as follows:

The first section of chapter sixty-one of the acts of the year eighteen hundred and sixty-six is hereby amended by striking out the words, "two semi-annual meetings of not less than two days each," and inserting instead thereof the words, "an annual meeting of not less than three days;" and the second section is amended by striking out the words, "two semi-annual meetings have" and inserting instead thereof the words "an annual meeting has."

Amendment to 1866, 61, § 1.

Approved April 17, 1872.

AN ACT TO AUTHORIZE THE PURCHASE OF LAND FOR A CAMP GROUND FOR THE MILITIA.

Chap. 216

Be it enacted, &c., as follows:

SECTION 1. The governor, by and with the advice and consent of the council, may purchase in behalf of the Commonwealth not exceeding two hundred acres of land at a cost of not more than fifteen thousand dollars, to be held and used as a camp for the military organizations of the state; and may cause the same to be properly graded and fenced, and suitable buildings to be erected thereon for the storage and safe keeping of military property: *provided*, the cost of buildings, fencing and grading shall not exceed the sum of twenty thousand dollars.

Governor may purchase land for a camp for the militia.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1872.

AN ACT TO PROVIDE FOR THE FORMATION OF LIBRARY CORPORATIONS.

Chap. 217

Be it enacted, &c., as follows:

SECTION 1. Three or more persons within this state who shall have associated themselves together by an agreement

Library corporations may be formed under

provisions 1870,
224, §§ 7-11.

Powers and
duties.

Any name may
be assumed not
in use by any
existing corpo-
ration.

Secretary of
Commonwealth
to issue certifi-
cate.

Existing asso-
ciations may
procure certifi-
cate upon pay-
ment of fees,
&c.

Real and per-
sonal estate not
exceeding
\$50,000.

May receive
donations, etc.

Proviso.

Cities and
towns may aid
library, if in-
habitants are
allowed free
access.

in writing, such as is described in section seven of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy, with the intention to constitute a corporation under any name by them assumed for the purpose of establishing and maintaining a public library, with or without reading rooms connected therewith, shall become a corporation upon complying with the provisions of sections eight, nine, ten and eleven of said act, and shall remain a corporation with all the powers, rights and privileges belonging to any corporations organized under the provisions of said act, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

SECTION 2 Any name may be assumed by such corporation not previously in use by any existing corporation or association, and shall contain therein the word library. Upon filing the certificate named in section eleven of said act with the endorsement of the commissioner of corporations thereon, and the payment of the fees named in section fifty-nine of said act, the secretary of the Commonwealth shall sign and issue to such corporation a certificate in the form prescribed and having the same force and effect named in said eleventh section of said act.

SECTION 3. Any existing library association under general law, may by complying with the provisions of section twelve of said act and payment of the fees aforesaid, obtain of the secretary of the Commonwealth the certificate therein prescribed.

SECTION 4. Corporations formed under the provisions of this act may hold real and personal estate necessary for the purposes of their organization, to the amount named in their agreements of association, not exceeding fifty thousand dollars, exclusive of books, papers, collections in natural history, and works of art; may receive and hold for the purposes aforesaid any grants, donations or bequests, under such conditions and rules as may be prescribed in such grants, donations and bequests: *provided*, the same are not inconsistent with the provisions of law. And so long as any corporation formed under this act shall allow the inhabitants of the city or town wherein the same is located free access to and use of its library, such city or town may annually appropriate and pay to the said corporation established therein money to aid in supporting its library.

SECTION 5. This act shall take effect upon its passage.

Approved April 17, 1872.

AN ACT TO PROTECT AND CONTROL THE ALEWIFE FISHERY IN KINGSTON.

Chap. 218

Be it enacted, &c., as follows :

SECTION 1. The owners of dams on Jones's River, Stony Brook, and Smelt Brook in Kingston are required to erect and maintain fish-ways over or around said dams, and shall be subject to all the powers given to the commissioners of inland fisheries by chapter three hundred and thirty-four of the acts of the year eighteen hundred and sixty-seven, and chapter three hundred and eighty-four of the acts of the year eighteen hundred and sixty-nine.

Owners of dams on Jones's river, etc., in Kingston, may erect fishways.

SECTION 2. The inhabitants of Kingston may make any proper regulations concerning their fisheries and rights to fisheries in such streams, and may lease all or either of said fisheries for a period not exceeding five years, or may otherwise dispose of the same from year to year as they shall deem fit, but shall have no right to release or sell the same.

Inhabitants may regulate fisheries, and lease the same for a period not exceeding five years.

SECTION 3. For the purposes of the fifth, sixth, and seventh sections of the acts of the year eighteen hundred and sixty-six, the fisheries above named shall be considered fisheries created by the town of Kingston.

To be considered fisheries created by Kingston for purposes of 1866, §§ 5, 6, 7.

SECTION 4. This act shall take effect upon its passage.

Approved April 17, 1872.

AN ACT TO REPEAL CHAPTER TWO HUNDRED AND EIGHTY-EIGHT OF THE ACTS OF THE YEAR EIGHTEEN HUNDRED AND SIXTY-EIGHT, IN RELATION TO THE DISTRIBUTION OF UNCLAIMED PORTIONS OF THE PERSONAL ESTATES OF DECEASED PERSONS.

Chap. 219

Be it enacted, &c., as follows :

SECTION 1. The two hundred and eighty-eighth chapter of the acts of the year eighteen hundred and sixty-eight, is hereby repealed.

Repeal of 1868, 288.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1872.

AN ACT TO AUTHORIZE THE LAYING OUT OF STREETS IN SALEM.

Chap. 220

Be it enacted, &c., as follows :

SECTION 1. The board of aldermen of the city of Salem, with the concurrence of the common council of said city, may, subject to all provisions of general law except as is herein otherwise provided, lay out such public ways and streets in said city as they in their judgment shall deem to be for the common convenience and benefit of the inhabitants of said city ; which ways and streets the said city shall not be obliged to complete sooner than the board of aldermen deem it expedient so to do, but shall pay all damages therefor within one year from the laying out of the same.

City council of Salem may lay out streets, to be completed when deemed expedient.

Damages to be paid within one year.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1872.

Chap. 221 AN ACT IN RELATION TO THE PASSAGE OF VESSELS THROUGH DRAWS IN RAILROAD BRIDGES OVER FORT POINT CHANNEL AND CHARLES RIVER.

Be it enacted, &c., as follows:

Steamboats not to be delayed in passage through draws of railroad bridges over Charles River and Fort Point Channel.

On Charles River and Fort Point Channel, no vessel propelled by steam, or towed by a vessel propelled by steam, shall be delayed in its passage through the draw of a railroad bridge except so far as shall be necessary to permit a railroad train approaching such draw, and in sight from the stopping-place of the train at such draw, to cross the same: *provided*, that such draw need not be opened within five minutes before the time, by the time-table, for an outgoing train to start.

Penalty for violation.

Any railroad corporation, or any person or persons operating a railroad that shall, in violation of this act delay in its passage any such vessel by a failure to open a draw in a bridge of such corporation, person or persons, shall incur a penalty of not less than twenty-five dollars nor more than a hundred dollars for each offence.

Approved April 18, 1872.

Chap. 222 AN ACT FOR THE PROTECTION OF THE NEW BEDFORD WATER WORKS.

Be it enacted, &c., as follows:

Storing reservoir of New Bedford water works not to be entered upon or fished in, without permission of water board, under penalty.

SECTION 1. Any person who enters upon the storing reservoir of the water works of the city of New Bedford, or upon any lands of said city on the margin of said reservoir, or who launches or puts any boat or raft into the waters thereof, or who fishes for or takes any fish in said waters, or who throws, conducts or places any substance or thing in said waters, without the permission of the water board of said city, shall, on conviction, pay a fine of not less than one dollar nor more than twenty dollars for each offence, and the costs of prosecution, which may be either by complaint or indictment: *provided*, that nothing in this act shall interfere with any right of way, which the water commissioners of New Bedford may have granted, in acquiring the title of the lands of said reservoir.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1872.

Chap. 223 AN ACT IN ADDITION TO AN ACT TO ESTABLISH THE SOUTH COVE CORPORATION.

Be it enacted, &c., as follows:

May hold and convey lands and flats not exceeding sixty acres.

SECTION 1. The South Cove Corporation shall have authority to hold, purchase, improve and convey lands and flats, not exceeding in all sixty acres, including therein the lands conveyed by Francis Jackson to Uriel Crocker, Ellis

Gray Loring and Benjamin W. Nichols by deed dated November twenty-ninth, eighteen hundred and fifty-four, and recorded with Suffolk deeds, book seven hundred and ninety-five, page one, lying within the territory situated between Dover Street, Dorchester Avenue, Dorchester, Cottage and Franklin Streets, Norfolk Avenue, Hampden and Albany Streets.

SECTION 2. The South Cove Corporation shall continue to be a corporation for ten years after the expiration of its present charter, for the purposes named in its act of incorporation, and in the first section of this act, with the same powers and privileges, and subject to the same duties, liabilities and restrictions as are provided by general laws applicable to such corporations.

To continue to be a corporation for ten years after expiration of present charter.

SECTION 3. Nothing in this act shall be so construed as to affect the ownership of the Commonwealth in any lands or flats within the limits defined by the first section of this act; nor shall any right or authority of the Commonwealth in relation to the harbor or to harbor lines, be affected or waived, nor any existing law relating to compensation for tide-water displaced, be repealed or modified by this act; nor shall the acceptance of this act by the South Cove Corporation, modify or affect the title, or the right in law to maintain such title, of the South Cove Corporation to any lands or flats which have been subjected by excavation to the flow of tide-water.

Ownership of Commonwealth in lands and flats not to be affected.

SECTION 4. The stock of this corporation shall be divided into shares of a par value of one hundred dollars each.

Shares of par value of one hundred dollars.

SECTION 5. This act shall take effect upon its passage.

Approved April 20, 1872.

AN ACT CONCERNING THE NEW LONDON NORTHERN RAILROAD COMPANY.

Chap. 224

Be it enacted, &c., as follows:

SECTION 1. None of the provisions of chapter two hundred and ninety-eight of the acts of the year eighteen hundred and sixty-seven, or of chapter three hundred and eighty-nine of the acts of the year eighteen hundred and seventy-one, shall be construed to invalidate the contract made by the New London Northern Railroad Company on the twenty-first day of November, eighteen hundred and seventy-one for the operation of its railroad: *provided*, that nothing herein contained shall invalidate or affect any existing lease or contract between said New London Northern Railroad Company and the Ware River Railroad Company.

Contract made by New London Northern R. R. not invalidated by provisions of 1867, 298, and 1871, 389.

Proviso.

SECTION 2. This act shall take effect upon its passage,

Act may be amended or an-

annulled by legislature.

Railroad laws of state to be observed by company.

and may be altered, amended or annulled at the will of the legislature, and meantime said New London Northern Railroad Company and said lessees shall both be under obligation to observe all the laws of this Commonwealth relating to railroads.

Approved April 20, 1872.

Chap. 225

AN ACT TO INCORPORATE THE VINEYARD TELEGRAPH COMPANY.

Be it enacted, &c., as follows:

Oak Bluffs Land and Wharf Co. incorporated as Vineyard Telegraph Co.

Capital stock and shares.

SECTION 1. The Oak Bluffs Land and Wharf Company, their associates and assigns, are hereby incorporated as the Vineyard Telegraph Company.

SECTION 2. The capital stock of said company shall be twenty thousand dollars, divided into shares of one hundred dollars each, with liberty to increase the same to an amount not exceeding fifty thousand dollars.

May lay submarine cable.

SECTION 3. The company may lay a submarine cable from some point in the town of Falmouth to the island of Martha's Vineyard, and to any points on the island that telegraph communication may be required.

May connect with Western Union telegraph lines.

SECTION 4. The said company shall have the right to extend its line to make connections with the Western Union telegraph lines.

SECTION 5. This act shall take effect upon its passage.

Approved April 20, 1872.

Chap. 226

AN ACT TO INCORPORATE THE BRIDGEWATER INDUSTRIAL COMPANY.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Joshua E. Crane, Josiah L. Bassett, Spencer Leonard, Joseph A. Hyde and Lafayette Keith, their associates and successors, are hereby made a corporation by the name of the Bridgewater Industrial Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Powers and duties.

May purchase and sell land, and erect buildings.

SECTION 2. Said corporation shall have power to purchase and hold land not exceeding three acres, in Bridgewater, and erect buildings and machinery thereon, and may sell and convey, lease, mortgage, or otherwise dispose of the same or any part thereof, as the interests of the corporation may require.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not commence business until ten thousand dollars of its capital stock has been actually paid in in cash.

SECTION 4. This act shall take effect upon its passage.

Approved April 20, 1872.

AN ACT TO ESTABLISH THE SALARY OF THE FIRST CLERK IN THE TAX COMMISSIONER'S DEPARTMENT. *Chap. 227*

Be it enacted, &c., as follows :

SECTION 1. The salary of the first clerk in the tax commissioner's department shall be two thousand dollars a year from and after the first day of April in the year eighteen hundred and seventy-two. Salary of first clerk established.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1872.

AN ACT IN RELATION TO FOREIGN INSURANCE COMPANIES. *Chap. 228*

Be it enacted, &c., as follows :

SECTION 1. When, (and so long as) any fire, marine, fire and marine or fire and life insurance company incorporated or associated under the laws of any government or state other than one of the United States, which is or may be admitted to do business in this Commonwealth in accordance with the laws thereof, shall invest and keep invested and subject to taxation in this Commonwealth, with the approval of the insurance commissioner thereof, the sums and amounts of money entitling such companies to do business in this Commonwealth, and not less than two hundred thousand dollars in amount, such company, in place of the taxes now imposed upon premiums, shall pay the same taxes as are imposed upon insurance companies of like character organized under the laws of this Commonwealth, upon all premiums charged or received on contracts made in this Commonwealth for the insurance of property, or collected or received by agents in this Commonwealth. Foreign insurance companies to pay same tax upon premiums as imposed upon companies organized under laws of this state.

Whenever and so long as any such company shall invest and keep invested said sums and amounts of money in any other or others of the United States, such company shall annually pay in the manner and at the times aforesaid a tax at the same rate as shall be payable on such premiums by companies incorporated under the laws of any other of the United States and doing business in this Commonwealth.

SECTION 2. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 20, 1872.

AN ACT RELATING TO THE SHAD AND ALEWIFE FISHERY IN NORTH RIVER. *Chap. 229*

Be it enacted, &c., as follows :

SECTION 1. No shad or alewives shall be taken in any part of North River in the county of Plymouth, from the first day of March to the fifteenth day of June in each year Shad and alewives not to be taken in North river from Mar. 1st to June 15th,

excepting on Mondays, Tuesdays and Wednesdays of each week.

Penalty.

Use of sweep seine not controlled by provisions of 1869, 384, § 22.

Provisos.

hereafter, including both of said days, excepting on Mondays, Tuesdays and Wednesdays of each week from sunrise to sunset of said days, under the penalty provided for in section twenty-one, chapter three hundred and eighty-four of the acts of the year eighteen hundred and sixty-nine, one-half of the money recovered as a penalty in any case arising under this law to be paid to the person making the complaint in the case in which the same is recovered, and the remainder to the Commonwealth.

SECTION 2. So much of section twenty-second, chapter three hundred and eighty-four of the acts of the year eighteen hundred and sixty-nine as provides that whosoever uses any sweep seine or combination of sweep seines in such a manner as at any moment to close or seriously obstruct more than two-thirds of the width of the stream at the place where it is used, shall not apply to said North River: *provided*, that no seine or combination of seines used in said river shall exceed in length the width of the river where it is used; and *provided, also*, that no person shall be allowed to use set-nets or gill-nets on said river or its tributaries under the penalty prescribed in the first section of this act.

Approved April 20, 1872.

Chap. 230 AN ACT TO CHANGE THE METHOD OF VOTING IN MUTUAL FIRE INSURANCE COMPANIES.

Be it enacted, &c., as follows:

Seven directors to be elected by ballot, who are citizens of Mass.

SECTION 1. Every mutual fire insurance company shall annually elect by ballot not less than seven directors, citizens of this state, and after the first election members of the company, who shall manage and conduct the business thereof.

Votes may be cast by proxy executed within six months, and recorded on company's books three days previous to meeting.

Every person insured by the company shall be a member, and each member shall be allowed one vote for each policy held by him. Members may vote by proxies dated and executed within six months, and returned and recorded on the books of the company at least three days previous to the meeting of the company at which the same are used; but no person shall be allowed by proxy or otherwise to cast more than twenty votes, and no paid officer or agent shall vote as proxy for any absent member.

Paid officer of company not to receive or use any proxy vote under penalty.

No paid officer or agent shall ask for, receive, procure to be obtained or use any proxy vote in the corporation with which he is connected. Any officer or agent who violates the provisions of this act shall forfeit and pay a fine of not

less than one hundred dollars nor more than three hundred dollars.

SECTION 2. Section forty-three of chapter fifty-eight of Repeal. the General Statutes is hereby repealed.

Approved April 20, 1872.

AN ACT TO PROVIDE FOR THE APPOINTMENT OF INSPECTORS OF PROVISIONS IN CITIES AND TOWNS. Chap. 231

Be it enacted, &c., as follows :

SECTION 1. The mayor and aldermen of cities and the selectmen of towns may annually appoint one or more persons to be inspectors of provisions, who shall be sworn to faithfully discharge the duties of their office, and who shall receive such compensation as the city council of cities or the selectmen of towns shall determine.

Inspectors of provisions to be appointed.

SECTION 2. Said inspectors shall have power to inspect all meats, fish, vegetables, produce and provisions of all kinds brought into said cities or towns, or exposed for sale or kept with intent to sell therein; and may for this purpose enter into all buildings where said meats, fish, vegetables, produce or provisions are stored or exposed for sale. When such meat, fish, vegetables, produce or provisions are found on such inspection to be tainted, diseased, corrupted, decayed or unwholesome from any cause, said inspectors shall seize the same and cause it to be destroyed or disposed of otherwise than for food: *provided, however*, that if the owner of the property seized shall at the time of seizure notify said inspector in writing of his desire to appeal to the board of health, said inspector shall cause said meat, fish, vegetables, produce or provisions to be inspected by said board of health, or by a committee thereof consisting of not less than two members, and if said board or committee shall find the same to be tainted, diseased, corrupted or unwholesome, they shall order the same to be destroyed or disposed of otherwise than for food. All moneys received by said inspector or board of health for property disposed of as aforesaid, shall, after deducting all expenses incurred by reason of said seizure, be paid to the owner thereof.

May inspect all provisions brought into town or offered for sale.

To cause to be destroyed, if found unwholesome.

Owner may appeal to board of health.

SECTION 3. Said inspectors shall have power to inspect all veal brought into said cities or towns, or offered or exposed for sale or kept with intent to sell therein, and if said veal is in the judgment of the inspector that of a calf killed under four weeks old, he shall seize the same and cause it to be destroyed or disposed of as provided in the preceding section, subject however to the same provisions concerning appeal and the disposal of moneys that are therein contained.

If veal is that of a calf killed under four weeks old, the same to be destroyed.

Search warrants may be issued.

SECTION 4. When complaint is made on oath to any police court or magistrate authorized to issue warrants in criminal cases, that the complainant believes that any tainted, diseased, corrupted, decayed or unwholesome meat, fish, vegetables, produce or provisions of any kind, or any veal of a calf killed under four weeks old, is kept or concealed in any particular house or place with the intent to sell or offer the same for sale, the court or magistrate, if satisfied there is reasonable cause for such belief, shall issue a warrant to search for such articles, and all such warrants shall be directed and executed as provided in the third section of chapter one hundred and seventy of the General Statutes.

Penalties for sale of unwholesome food.

SECTION 5. Whoever knowingly sells, or offers or exposes for sale, or has in his possession with intent to sell as articles of food, any tainted, diseased, corrupted, decayed or unwholesome meat, fish, vegetables, produce or provisions of any kind whatever, shall be punished by imprisonment in jail not exceeding sixty days, or by fine not exceeding one hundred dollars.

Name and place of business of person whose property is condemned, to be published in newspapers.

SECTION 6. The name and place of business of every person whose property shall be condemned under this act, or who shall be convicted of an offence under the previous section, shall be published in two newspapers published in the county.

Subject to adoption by cities and towns.

SECTION 7. This act shall not be in force in any city or town unless adopted by the city council of such city, or by the inhabitants of such town.

Approved April 20, 1872.

Chap. 232

AN ACT IN RELATION TO THE TRIAL OF INDICTMENTS FOR MURDER.
Be it enacted, &c., as follows:

Two justices may have powers of a full court in trials for murder.

SECTION 1. Two or more justices of the supreme judicial court present at a jury term, whether the same shall be a stated or a special term, shall have and exercise the powers of a full court in the trial of indictments for the crime of murder.

Exceptions &c., to be heard by a full court.

SECTION 2. Exceptions taken and questions of law reserved upon such trials shall be heard by a full court as in other cases; and may be entered and determined either at the law term held for the county in which the questions arise, or upon the order of the justices before whom the trial is had at the law term of the court for the Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved April 23, 1872.

AN ACT TO ESTABLISH THE POLICE COURT OF SOMERVILLE.

Chap. 233

Be it enacted, &c., as follows:

SECTION 1. A police court is hereby established in Somerville, under the name of the Police Court of Somerville; and said city shall constitute a judicial district, under the jurisdiction of said court. Said court shall have the same jurisdiction, power and authority, shall perform the same duties, and be subject to the same regulations, as are provided in respect to existing police courts, except the municipal court of Boston and the municipal court of Worcester, by the one hundred and sixteenth chapter of the General Statutes, and by all general laws passed in amendment thereof, applicable to the several police courts of the Commonwealth; and all provisions of law relating to civil and criminal proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with the county and town treasurers for the money paid into court as forfeitures or otherwise, and the required returns applicable to the several police courts, except those before mentioned, shall apply to the Police Court of Somerville.

Police court established in Somerville.

Jurisdiction.

SECTION 2. Said court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified, pursuant to the constitution and laws.

One standing justice and two special justices.

SECTION 3. There shall be a clerk of said court, who shall, in the first instance, be appointed and commissioned by the governor, and shall hold his office until a successor is chosen and qualified, as is provided by law, in the case of clerks of police courts; and all vacancies in said office, caused by removal or otherwise, shall be filled as is provided by law in like cases.

Clerk to be appointed and hold office until his successor is chosen.

SECTION 4. The standing justice of said court shall receive an annual salary of twelve hundred dollars, to be paid from the treasury. The compensation of the special justices for duties performed by them shall be such as is provided by law in similar cases. The clerk of said court shall receive an annual salary of eight hundred dollars to be paid from the treasury.

Salaries of justices and clerk.

SECTION 5. The court shall be held in some suitable place, to be provided and furnished by and at the expense of Somerville,—for criminal business as often as is required by law in the case of police courts, and for civil business, once each week and oftener if said standing justice shall see fit.

Courts for criminal and civil business.

SECTION 6. All proceedings duly commenced before any trial justice or justice of the peace for the county of Mid-

Proceedings commenced before trial jus-

times to be there determined.

Extra justice may issue warrants.

When to take effect.

distress within said district, before this act shall take full effect, shall be prosecuted and determined as if this act had not been passed.

SECTION 7. Either of the justices of said court may issue warrants in all proper cases. No justice of the peace shall hereafter be allowed any fees for warrants issued within said district or elsewhere for offences committed in said district; and all warrants so issued shall be made returnable before said court.

SECTION 8. So far as the appointing, commissioning and qualifying the standing justice and special justices and the clerk of said court, are concerned, this act shall take effect upon its passage; and it shall take full effect in sixty days from its passage.

Approved April 23, 1872.

Chap. 234

AN ACT IN RELATION TO THE COLLECTION OF ASSESSMENTS FOR COMPENSATION FOR TIDE-WATER DISPLACED.

Be it enacted, &c., as follows:

Any assessment due the treasury under 1866 149, § 4, may be recovered in action brought in name of treasurer.

SECTION 1. Any lawful assessment due and payable into the treasury of the Commonwealth that has been or shall hereafter be made under section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six for compensation for tide-water displaced, may be recovered of the party assessed in an action of contract brought in the name of the treasurer and receiver-general, and the attorney-general shall institute and prosecute such actions.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1872.

Chap. 235

AN ACT IN RELATION TO THE TAKING OF SMELTS AND PICKEREL IN MERRIMACK RIVER.

Be it enacted, &c., as follows:

Smelts and pickerel may be taken in Merrimack River between Oct. 1st and April 15th.

Nothing contained in section twenty-one of chapter three hundred and eighty-four of the acts of the year eighteen hundred and sixty-nine, shall be construed to prevent the taking of smelts or pickerel or pickerel bait, in the Merrimack River, between the first day of October and the fifteenth day of April following.

Approved April 23, 1872.

Chap. 236

AN ACT TO REGULATE THE BUILDING OF WHARVES AND OTHER STRUCTURES IN TIDE-WATERS.

Be it enacted, &c., as follows:

Any person may build wharf within the established harbor lines.

SECTION 1. Any person may build or extend a wharf, or construct a pier, dam, sea-wall, road, bridge or other structure, fill land or flats, or drive piles in or over tide-water below high-water mark, within the line of riparian ownership, on any shore, and within whatever harbor lines there

may be at the time established by law along such shore: *provided*, the license of the board of harbor commissioners is first obtained in a manner provided by the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six. Proviso.

SECTION 2. The board of harbor commissioners may license any person to build or extend a wharf, construct a pier, dam, sea-wall, road, bridge or other structure, or fill land or flats in or over tide-water, below high-water mark and beyond the line of riparian ownership, upon such terms as they prescribe: *provided, however*, that no such license beyond the line of riparian ownership shall be valid unless approved by the governor and council; and *provided, further*, that no such license on any shore shall have any effect beyond such line of riparian ownership, except where a harbor line has been established by law along such shore; and no such license shall have effect beyond such harbor line, except in relation to a structure authorized by law outside such line. Harbor commissioners may allow wharves to be extended. Proviso. Proviso.

SECTION 3. Every license granted under this act, or under the fourth section of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, shall be signed by a majority of the commissioners, and shall set forth the terms of the same, and specify by metes, bounds and otherwise, so as to identify and define, the location, dimensions, limits and mode of performing whatever is authorized by said license; and said commissioners shall cause a certified copy of the same, together with a correct plan of the authorized work or structure, to be recorded in books kept for that purpose in the office of said board. Before any license is granted, the board of harbor commissioners shall notify the selectmen of the town or the mayor and aldermen of the city, as the case may be, within the limits of which the work licensed is to be done, that they may appear and be heard. Licenses granted to be signed by majority of commissioners. Copy of license to be recorded. Selectmen to be notified before license is granted.

SECTION 4. Licenses granted as herein provided shall be subject to the provisions of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, so far as applicable and not inconsistent with this act; and every license hereafter granted by said board shall be void, unless the same and the accompanying plan are recorded within one year from the date thereof, in the registry of deeds for the county or district within which the work licensed is to be performed. Licenses to be subject to 1866, 149 and 1869, 432.

Not to apply to
back bay lands.

But nothing contained in this act shall be construed to apply to the back bay lands.

SECTION 5. This act shall take effect upon its passage.

Approved April 23, 1872.

Chap. 237

AN ACT TO AMEND CHAPTER EIGHTY-EIGHT OF THE GENERAL STATUTES, IN RELATION TO KEEPING INTELLIGENCE OFFICES WITHOUT A LICENSE.

Be it enacted, &c., as follows:

Amendment to
G. S. 88, § 23.

SECTION 1. Section twenty-three of chapter eighty-eight of the General Statutes is hereby amended by inserting after the word "employers," the words "or for the purpose of procuring or giving information concerning employment in business."

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1872.

Chap. 238

AN ACT TO AUTHORIZE THE TOWN OF MELROSE TO ISSUE ADDITIONAL WATER BONDS.

Be it enacted, &c., as follows:

Melrose may
issue \$50,000
additional
water bonds.

SECTION 1. The town of Melrose may, for the purposes mentioned in the third section of chapter one hundred and sixty of the acts of the year eighteen hundred and seventy, issue bonds to an amount not exceeding fifty thousand dollars in addition to the amount therein authorized to be issued upon like terms and conditions and with like powers in all respects as are provided in said chapter for the issue of bonds of said town.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1872.

Chap. 239

AN ACT TO INCORPORATE THE COLUMBUS HOTEL COMPANY.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

Powers and duties.

Capital stock and shares.

SECTION 1. Frank M. Blodgett, Calvin Swallow, William S. Craibe, John H. Butler, their associates and successors, are hereby made a corporation by the name of the Columbus Hotel Company, for the purpose of erecting and maintaining a hotel to be called the Hotel Columbus, between Worcester and Springfield Streets, on Columbus Avenue in the city of Boston, with the buildings, appurtenances and improvements connected therewith; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

SECTION 2. The capital stock of said corporation shall not exceed the sum of five hundred thousand dollars nor be less than three hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and said

corporation may hold real and personal estate to the value of five hundred thousand dollars, for the purpose mentioned in the first section hereof: *provided, however*, that said corporation shall not incur any liability until the sum of one hundred thousand dollars of its capital stock has been paid in in cash; and *provided, further*, that said corporation shall not carry on the business of keeping a hotel or boarding house, or be in any way interested in such business.

Real and personal estate.

Provisos.

SECTION 3. This act shall take effect upon its passage.

Approved April 28, 1872.

AN ACT TO AUTHORIZE THE ERECTION OF A WOODEN BUILDING WITHIN THE BUILDING LIMITS OF THE CITY OF BOSTON FOR THE PURPOSES OF A MUSICAL FESTIVAL.

Chap. 240

Be it enacted, &c., as follows:

SECTION 1. Alexander H. Rice, Eben D. Jordan, George H. Davis, Patrick S. Gilmore, their associates and successors, may erect a wooden building within the building limits of the city of Boston, as established under the provisions of chapter two hundred and eighty of the acts of the year eighteen hundred and seventy-one, for the purpose of holding therein a musical festival, said building to be erected under such limitations and restrictions as the city council of said city may direct.

P. S. Gilmore and others authorized to erect a wooden building in Boston for holding a musical festival.

SECTION 2. This act shall take effect upon its passage.

Approved April 28, 1872.

AN ACT TO INCORPORATE THE EAST BOSTON TUNNEL COMPANY.

Chap. 241

Be it enacted, &c., as follows:

SECTION 1. Albert Bowker, Silas Peirce, Edward F. Hodges, Francis E. Faxon, their associates and successors, are hereby made a corporation by the name of the East Boston Tunnel Company, to be established in the city of Boston; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The said corporation is hereby empowered to dredge and excavate, and to construct, own and maintain a submerged or submarine tunnel, between Boston proper and East Boston, suitable for public travel with teams, carriages and street railway cars, and with such termini, and by such a course, as shall be approved by the harbor commissioners in the manner hereinafter provided; and for that purpose may purchase or take and hold such land or real estate, at either terminus, as may be necessary for convenient approaches to said tunnel, and for toll-houses, stations and other proper purposes.

May construct a submarine tunnel between Boston and East Boston.

Capital stock
and shares.

SECTION 3. The capital stock of said corporation shall not exceed one million dollars, and shall be divided into shares of the par value of one hundred dollars each.

Surveys etc.,
may be made
after the whole
capital has been
subscribed and
three per cent.
paid in.

SECTION 4. When the whole amount of the capital stock fixed by the corporation shall have been subscribed, and three per centum thereof paid in according to law, said corporation may proceed to make all the surveys and examinations necessary to determine the practicability of and the best method for the construction of said tunnel, and in making such surveys and examinations may enter upon any land or real estate without being guilty of trespass; and may also obtain the proper congressional legislation, and take all the other preliminary steps to carry out the main purpose of this act. But said corporation shall not begin to dredge or excavate for said tunnel otherwise than to bore or dredge experimentally as the harbor commissioners may approve, nor take any land or real estate nor acquire any rights of way under the provisions of this act until at least one hundred thousand dollars of the subscription to said capital stock shall have been paid in as aforesaid.

Plan of opera-
tions to be ap-
proved by har-
bor commis-
sioners before
beginning to
dredge or exca-
vate.

SECTION 5. Said corporation, before beginning to dredge or excavate, and before taking any land or real estate or acquiring any rights of way as aforesaid, shall present to said harbor commissioners, in writing, the general plan upon which it shall be proposed to construct said tunnel, and its course and termini, with all the necessary drawings and data to enable said commissioners properly to consider the same; and shall obtain the approval of said commissioners thereof in writing, and file the same with a copy of the plan so approved in the office of the secretary of the Commonwealth.

Damages for
taking land.

SECTION 6. When any land or real estate shall be taken under the provisions of this act, said corporation shall pay all the damages occasioned thereby, and shall proceed in the taking thereof and said damages shall be determined and recovered in the same manner as is provided in the sixty-third chapter of the General Statutes in respect to land and real estate taken by railroad corporations for making or securing their roads, and for depot and station purposes; or in such other manner as may be hereafter provided by the legislature, by an amendment to this act.

Tolls may be
demanded for
passing through
the tunnel.

SECTION 7. Said corporation shall have the right to demand and receive from all persons and parties passing through or using said tunnel, such tolls as may from time to time be fixed by the directors, and of which public notice shall have been given upon conspicuous tablets set up at the

termini: *provided, however*, that the rates of toll shall not for foot passengers, and for one, two, three and four horse teams and carriages, exceed the average rates upon the ferry formerly of the East Boston Ferry Company, for the five years ending January first in the year eighteen hundred and seventy-two; and *provided, further*, that the legislature may at any time regulate and fix the rates of toll within such limits as not to reduce the yearly net income of said corporation at such time below eight per cent. on the actual cost to said corporation of said tunnel and its appurtenances.

Rates of toll.

SECTION 8. No land or real estate occupied by the existing East Boston ferries shall be taken by said corporation under the provisions of this act, except with the consent of the city of Boston.

Land occupied by ferries not to be taken without consent of city.

And the city of Boston is hereby authorized at any time after said tunnel is constructed, and within five years therefrom, to purchase of said corporation the said tunnel and its appurtenances, at their cost to said corporation at the time of purchase, with ten per cent. interest on said cost, less the net profits of said corporation from tolls or otherwise. And if said city and said corporation cannot agree upon the amount of said cost, and of said net profits, the same shall be ascertained and determined by the supreme judicial court upon the petition of said city, and after due notice and hearing, with costs at the discretion of the court.

Approved April 28, 1872.

AN ACT IN RELATION TO THE ASSESSMENT OF BETTERMENTS IN BOSTON.

Chap. 242

Be it enacted, &c., as follows:

SECTION 1. The board of street commissioners of the city of Boston may assess betterments on estates abutting on streets laid out, extended or widened, in said city, under the provisions of chapter four hundred and forty-eight of the acts of the year eighteen hundred and sixty-nine, chapter seventy-nine of the acts of the year eighteen hundred and seventy, and chapter ninety-six of the acts of the year eighteen hundred and seventy-one, within one year from the time when the streets so laid out, widened or extended, are graded and opened to public travel.

Street commissioners of Boston may assess betterments on estates abutting on streets laid out, etc., under 1869, 448, 1870, 79, and 1871, 96.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1872.

AN ACT FOR THE PREVENTION OF FIRE IN CITIES AND TOWNS.

Chap. 243

Be it enacted, &c., as follows:

SECTION 1. Cities and towns may, by ordinances and by laws not repugnant to the laws of the Commonwealth, pre-

Towns may regulate the construction of buildings.

scribe rules and regulations for the inspection, materials, construction, alteration and safe use of buildings and structures within their respective limits not owned or occupied by the United States or the Commonwealth, and excepting bridges, quays and wharves, for the purpose of securing the prevention of fire and the preservation of life; and may prescribe penalties, not exceeding one hundred dollars, for each and every violation of any provision of such ordinances or by-laws.

By-laws to be in operation upon the whole or part of town.

SECTION 2. Such ordinances and by-laws may be made operative upon and within the whole territory of any city or town, or upon and within any prescribed and defined district or districts of such territory.

S. J. C. may issue injunction to restrain erection etc., of building contrary to by-law.

SECTION 3. The supreme judicial court, or any justice thereof, in term time or vacation, may, by injunction or other suitable process in equity, restrain any person or corporation from constructing, altering, maintaining or using any building or structure contrary to or in violation of any lawful ordinance or by-law made under or by virtue of this act, and may order and enforce the removal, or abatement as a nuisance, of any building or structure constructed, altered, maintained or used in violation of such ordinance or by-law.

Subject to adoption by cities and towns.

SECTION 4. This act shall not be in force in any city or town unless the city council or the inhabitants of the town shall, by legal vote, decide to adopt the same, and it shall not apply to the city of Boston.

Not to apply to Boston.

SECTION 5. This act shall take effect upon its passage.

Approved April 23, 1872.

Chap. 244 AN ACT TO EXTEND AN ACT CONCERNING MANUFACTURING AND OTHER CORPORATIONS TO HOTELS AND PUBLIC HALLS.

Be it enacted, &c., as follows:

Corporation may be formed for erection of hotels and public halls.

SECTION 1. The provisions of chapter two hundred and twenty-four of the acts of the year eighteen hundred and seventy are hereby extended to include and apply to any three or more persons who shall associate themselves together by an agreement in writing, with the intention of constituting a corporation for the purposes of erecting and maintaining a hotel or for the purposes of erecting and maintaining a public hall, with a capital of not less than five thousand nor more than five hundred thousand dollars: *provided*, that nothing herein contained shall authorize any such corporation to engage in the business of keeping a hotel.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1872.

AN ACT IN ADDITION TO AN ACT TO LEVY TAXES ON CERTAIN INSURANCE COMPANIES AND ON DEPOSITS IN SAVINGS BANKS.

Chap. 245

Be it enacted, &c., as follows:

SECTION 1. Insurance companies which are subject to the provisions of chapter two hundred and eighty-three of the acts of the year eighteen hundred and sixty-five, shall not be required to make returns or pay taxes under the provisions of the first and sixth sections of chapter two hundred and twenty-four of the acts of the year eighteen hundred and sixty-two.

Certain insurance companies not required to make returns or pay taxes under 1862, 224, §§ 1, 6.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1872.

AN ACT IN RELATION TO BETTERMENTS.

Chap. 246

Be it enacted, &c., as follows:

Any assessment upon real estate, for the benefit and advantage thereto, from the laying out, altering, widening, grading or continuing any way, made prior to the twenty-sixth day of May in the year one thousand eight hundred and seventy-one, which is invalid by reason of any error or irregularity in the assessment, and which has not been paid, or which has been paid and recovered back, may be re-assessed by the board qualified to make such assessment, to the amount for which the original assessment ought to have been made, and the same shall be a lien upon the estate so assessed, and be collected in the same manner as re-assessed taxes are collected.

Assessments upon real estate for betterments, invalid by irregularity may be re-assessed.

Approved April 24, 1872.

AN ACT TO ESTABLISH THE SALARY OF THE TREASURER OF HAMPDEN COUNTY.

Chap. 247

Be it enacted, &c., as follows:

SECTION 1. The annual salary of the treasurer of the county of Hampden shall be fifteen hundred dollars from and after the first day of April in the year eighteen hundred and seventy-two.

Salary established at \$1,500 a year.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1872.

AN ACT TO PROTECT THE FISHERIES IN THE TOWN OF EDGARTOWN.

Chap. 248

Be it enacted, &c., as follows:

SECTION 1. No person shall set, draw or stretch any seine or net of any kind in any of the creeks, bays or inlets of the Great Pond, Sengekontacket Pond, east of Nathan's Island, Katama Bay, or in the harbor of Edgartown, south of Chappaquiddick Point, in said town, between the first day of March and the first day of October in each year; nor shall any person not an inhabitant of said town at any time set, drag or stretch any seine or net in any of the

Seines or nets not to be used between March 1, and Oct. 1.

ponds or creeks of said town or outlets thereof. The seining of menhaden and mackerel is exempted from this act. This act shall be void as to Great Pond, if it shall appear that no sufficient creek is kept open and maintained from said pond to the sea; and it shall be void as to Trap's Pond if it shall appear that no such creek is kept open and maintained from said pond to the sea.

Penalty.

SECTION 2. Any person violating any provision of this act shall be liable to a fine not exceeding three hundred dollars for each offence.

Repeal.

SECTION 3. Chapter two hundred and eighty-five of the acts of the year eighteen hundred and fifty-six is hereby repealed.

Approved April 24, 1872.

Chap. 249 AN ACT TO UNITE THE CITY OF HAVERHILL AND THE TOWN OF BRADFORD.

Be it enacted, &c., as follows:

Bradford annexed to Haverhill.

SECTION 1. All the territory now comprised within the limits of Bradford, with the inhabitants and estates therein, is hereby annexed to and made a part of the city of Haverhill, subject to the same municipal regulations, obligations and liabilities, and entitled to the same immunities in all respects as the said city of Haverhill: *provided, however,* that until legally changed, said territory shall continue to be, for the purpose of electing a senator, part of the fourth Essex senatorial district; all the duties now required by law to be performed by the selectmen, and town clerk of Bradford or either of them, pertaining to the election of representatives in congress, state councillors, senators and members of the house of representatives, shall in like manner devolve upon the board of aldermen and city clerk of Haverhill.

Public property to be vested in Haverhill.

SECTION 2. All the public property of Bradford shall be vested in and is hereby declared to be the property of the city of Haverhill, and said city shall succeed to all the rights, claims, causes of actions, rights to uncollected taxes, liens, uses, trusts, duties, privileges and immunities of the town of Bradford.

Town treasurer to account to city treasurer of Haverhill for moneys, etc.

The town treasurer of Bradford shall, immediately after the publication of the certificate of the secretary of the Commonwealth as hereinafter provided, under the direction of the selectmen of said Bradford, who shall for this purpose and all other purposes necessary to carry into full effect the provisions of this act, continue to hold their offices, transfer, deliver, pay and account for, to the city treasurer of Haverhill, all books, papers, moneys and other property in his possession as town treasurer of Bradford, when this act shall take effect; and the city of Haverhill shall become

liable for, and subject to all the debts, obligations, duties, responsibilities and liabilities of the town of Bradford. All actions and causes of actions which shall be pending or which shall have accrued at the time this act shall take effect, in behalf of or against the town of Bradford, shall survive and may be prosecuted to final judgment and execution in behalf of or against the city of Haverhill.

Actions to survive in which Bradford is a party.

SECTION 3. This act shall not take full effect unless accepted by a majority of the legal voters of Bradford, present and voting thereon by ballot at a meeting which shall be held in said town, and also by a majority of the legal voters of the city of Haverhill, present and voting thereon by ballot, at a meeting which shall be held in said city.

Subject to acceptance by majority of legal voters of both places.

The vote in Bradford may be taken at a legal town meeting, upon notice thereof duly given at least seven days before the time of meeting, called and held at any time after and within one year from the approval of this act, and the meeting in Haverhill shall be called and held as soon as may be, with due notice at any time after said acceptance by the voters of Bradford. The ballots given in shall be assorted, counted and declared in the usual manner adopted for voting in Haverhill, and shall be registered in the city records. And in the town of Bradford the ballots given in shall be assorted, counted and declared in open town meeting, and shall be recorded upon the records of the town.

It shall be the duty of the clerk of the city of Haverhill to certify, as soon as may be, the ballots cast in that city, and the number of ballots cast in favor of this act and the number cast against said acceptance in said city, to the secretary of the Commonwealth.

City clerk of Haverhill to certify to the secretary of the Commonwealth the result.

The clerk of the town of Bradford shall as soon as may be, make a like return of the ballots cast in said town, and the number of ballots cast in favor of accepting this act and the number of ballots against said acceptance in said town to the secretary of the Commonwealth, and if it shall appear that the majority of the votes cast in Haverhill, and a majority of the votes cast in Bradford, respectively, is in favor of accepting this act the secretary shall immediately issue and publish his certificate declaring this act to have been duly accepted.

Town clerk of Bradford to certify to the secretary the result.

SECTION 4. So much of this act as authorizes and directs the submission of this question of acceptance to the legal voters of said city and town, respectively, and the other proceedings named and provided in the third section of this act, shall take effect upon its passage, but for all other purposes

When this act takes effect.

it shall take effect immediately upon the publication of the certificate of the secretary of the Commonwealth, as provided for in said third section.

Seventh ward
of Haverhill.

SECTION 5. The territory hereto annexed to the city of Haverhill, shall constitute the seventh ward of said city.

Amendment to
city charter.

SECTION 6. If this act shall be accepted as herein provided, the act establishing the city of Haverhill, approved the tenth day of March in the year eighteen hundred and sixty-nine, shall be and hereby is so amended as to give full force and effect to this act.

If balloting is
declared void
by S. J. C. new
balloting may
be had.

SECTION 7. If the election or balloting upon the question of the acceptance of this act by either said city or said town, shall within two months thereafter be declared void by the supreme judicial court upon summary proceedings, which may be had in any county, upon the petition of fifty voters of either of said city or said town, the question of accepting said act shall again be submitted to the legal voters of said city or town, and a meeting therefor shall within thirty days thereafter be called, held, conducted, and the votes returned and other proceedings had thereon in like manner as herein before provided. But no election or balloting shall be held void for informality in calling, holding or conducting the election or returning the votes or otherwise, except upon proceedings instituted therefor and determined within sixty days thereafter as aforesaid.

Approved April 24, 1872.

Chap. 250 AN ACT TO PROVIDE FOR THE LAYING OUT OF A PUBLIC COMMON IN THE TOWN OF MATTAPOISETT.

Be it enacted, &c., as follows:

Mattapoisett
may improve
land as public
common.

SECTION 1. The selectmen of the town of Mattapoisett shall have power, in behalf of said town, from time to time to take and hold, by purchase or otherwise all or any part or parts of a certain tract of land situated in said town lying between the main street and the bay, or low-water mark, bounded easterly by land of Atkinson and westerly on the line of the land of Lobdell extended to the sea, including any wharves in front of said land. The land so held shall be laid out, improved, kept open and used as a public common for the benefit of the inhabitants, and no buildings except for ornamental purposes shall be erected thereon, except as provided in the second section of this act.

Selectmen to
have the care
and improve-
ment of the
grounds.

SECTION 2. Said selectmen shall have the care, improvement and ornamentation of said common, and shall have power to make all proper regulations in respect to the use of said common, and for breach of such regulations, to affix penalties not exceeding twenty dollars for one offence,

which penalties may be recovered by said selectmen or either of them to the use of the town on complaint before a justice of the peace; to allow the erection and maintaining of bathing houses and boat-houses on said land, to control the mooring, anchoring and landing of boats on so much of the shore as shall be within the limits of said common; to collect and receive all profits arising from such use of said land and shore, such profits to be used for the improvement of said common so far as said selectmen shall deem it necessary and generally to do all needful acts for the proper execution of the powers and duties granted to or imposed upon them by this act.

May allow erection of bathing houses.

SECTION 3. Said selectmen shall within sixty days after the taking of any of said land under this act, file in the registry of deeds for the county of Plymouth, a description thereof sufficiently accurate for identifying the same.

To file description of land in registry of deeds within six months.

SECTION 4. Said selectmen shall estimate and determine all damages sustained by any persons by the taking of said land, or other acts of said selectmen in the execution of the powers vested in them by this act, and the damages for land taken shall be fixed at the value thereof before such taking; but any person aggrieved by any such determination of said selectmen may have his damages assessed by a jury in the same manner as is provided by law with respect to damages sustained by reason of the laying out of town ways.

To estimate damages.

Parties aggrieved may have a jury.

SECTION 5. The town of Mattapoisett shall be liable to pay all damages assessed or determined as provided in the preceding section, and all other costs and expenses incurred by said selectmen in the execution of the powers vested in them by this act.

Mattapoisett to pay all damages for land taken.

SECTION 6. Any real estate in said town which, in the opinion of the selectmen shall receive any benefit and advantage from the laying out of any of the land described in the first section of this act as a public common, beyond the general advantages to all real estate in the town may be assessed and the assessments be collected by said selectmen in the manner provided by law by an act of the legislature entitled An Act in relation to betterments, chapter three hundred and eighty-two of the acts of the year eighteen hundred and seventy-one, and all the rights and remedies of the town and of the parties whose real estate may be assessed shall be determined by the provisions of said act.

If any real estate receives a benefit it may be assessed.

SECTION 7. The town of Mattapoisett is hereby authorized to raise by borrowing from time to time such sums of money as may be necessary for the purpose of defraying the expense incurred by the selectmen in carrying out the provisions of this act.

Town may borrow money.

Subject to acceptance by legal voters.

SECTION 8. This act shall not take effect until accepted by a majority of the legal voters of the town of Mattapoisett, present and voting thereon at a legal meeting duly called for that purpose upon the application of twenty or more legal voters of said town. *Approved April 24, 1872.*

Chap. 251

AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO LAY OUT A STREET OVER LAND OF THE WORCESTER LUNATIC HOSPITAL.

Be it enacted, &c., as follows :

City council may lay out street across lunatic hospital lands in Worcester.

SECTION 1. The city council of the city of Worcester may lay out and construct a public street of a width not exceeding one hundred feet, extending northerly from Shrewsbury street over land of the Worcester lunatic hospital situated on the westerly shore of Lake Quinsigamond in said city; the location of said new street shall be within five hundred feet of said lake, and the location and construction thereof shall be subject to the approval of the governor and council.

Claims for damages on account of the location and construction thereof shall exist as in the case of laying out of highways over lands of individuals, and the same shall be settled in the manner now provided by law in such cases.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1872.

Chap. 252

AN ACT TO INCORPORATE THE TRUSTEES OF THE SCOTTISH RITE OF FREEMASONRY.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. William S. Gardner, Charles Levi Woodbury, Charles W. Moore, Nathaniel B. Shurtleff and Samuel C. Lawrence, their successors, are hereby made a corporation by the name of the trustees of the Supreme Council of the ancient and accepted Scottish Rite of Freemasonry, and said trustees shall from time to time, as they may by their by-laws prescribe, elect a president, a secretary and such other officers of said corporation as they may judge necessary, and prescribe the tenure and duties of said officers, and fill by election all vacancies in said board of trustees as they may occur.

Name and purpose.

Trustees may receive and manage real and personal estate not exceeding \$100,000.

SECTION 2. Said trustees may receive, manage and convey such real and personal estate, not exceeding in all one hundred thousand dollars, as may be deposited with them by or for the supreme council of the ancient and accepted Scottish rite for the northern jurisdiction of the United States, to such uses as said council may appoint, and shall report their doings to such supreme council and submit their accounts and records to the inspection of said council.

They may also receive and execute the trust of gifts and devises made to them for specific charitable objects of relief of aged, sick or decayed members of any of the associations or degrees of that rite depending on said supreme council, or for the relief of poor widows and orphans of members of any degree of said rite, whether said trusts are to be performed and executed in this or any other state of the United States where said rite is practised.

SECTION 3. Said corporation shall be located at Boston. Active or honorary members of the said supreme council only shall be eligible to be appointed or act as trustees, and a majority of said trustees shall be residents of this state, and the annual meetings, all meetings to make by-laws, and elections, shall be held in this state, but special meetings may be held in any state where the said supreme council lawfully may sit. No trustee shall hire or use any portion of funds entrusted to said boards or be surety for loans thereof to others. Said trustees shall be subject to the duties and liabilities and shall have the powers and privileges set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Corporation to be located in Boston.

Trustees not to hire money of corporation, nor to be sureties for loans to others.

Approved April 24, 1872.

AN ACT TO INCORPORATE THE CHELSEA ODD FELLOWS' HALL ASSOCIATION.

Chap. 253

Be it enacted, &c., as follows:

SECTION 1. William R. Pearmain, James Marble, William E. Donnell, Elijah Endicott, Charles E. Perkins, Edward A. Williams, their associates and successors, are hereby made a corporation by the name of the Chelsea Odd Fellows' Hall Association, for the purpose of purchasing or erecting a building in the city of Chelsea, and maintaining the same for the purposes of an Odd Fellows' hall, and for any other lawful purpose; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The capital stock of said corporation shall not exceed seventy-five thousand dollars, divided into shares of twenty-five dollars each, and said corporation may hold for the purposes aforesaid, real and personal estate not exceeding the amount of the capital stock: *provided*, that said corporation shall incur no liability until fifteen thousand dollars of its capital stock has been paid in in cash.

Capital stock and shares.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1872.

Chap. 254 AN ACT TO AUTHORIZE THE CITY OF SPRINGFIELD TO SUBSCRIBE FOR AND HOLD SHARES IN THE CAPITAL STOCK OF THE ATHOL AND ENFIELD RAILROAD COMPANY.

Be it enacted, &c., as follows:

Springfield may take stock in the Athol and Enfield R. R.

May raise money by loan or tax.

Proviso.

Meeting of legal voters to be called to determine the question.

Mayor to subscribe for stock, if authorized by the city.

Suitable person to be elected by mayor and aldermen to represent city at meeting of corporation.

SECTION 1. The city of Springfield may subscribe for and hold shares in the capital stock of the Athol and Enfield Railroad Company to the amount of three hundred thousand dollars, such subscription to be on the condition that the proceeds thereof shall be used in the extension of the railroad of said company to said city; and said city may pay for such shares out of its treasury and raise by loan upon bonds, tax or otherwise, any or all sums of money which may be necessary to pay for the same, and hold and dispose of the same like other city property: *provided*, that three-fifths of the legal voters of said city who may be present and voting thereon shall vote so to do at a legal meeting called in their several ward rooms for that purpose by the mayor and aldermen of said city within sixty days from the passage of this act, at which meeting the check list shall be used.

SECTION 2. The mayor and aldermen of said city are hereby required, within thirty days from the passage of this act, to call a meeting of the legal voters of said city, to be held in their several ward rooms within sixty days from the passage of this act, for the purposes named in the foregoing section and to authorize the mayor of said city to subscribe for said stock upon the books of said company.

SECTION 3. In case said city shall vote under this act to subscribe for shares in the capital stock of said company the mayor of said city may subscribe therefor as provided in the first section of this act.

SECTION 4. In case said city shall become a stockholder in said company the mayor and aldermen are hereby authorized and required to elect annually a suitable person to represent the stock of said city at all meetings of said company, and said city so represented may vote on the whole amount of the stock held by the city, anything in the sixty-third chapter of the General Statutes to the contrary notwithstanding.

SECTION 5. This act shall take effect upon its passage.

Approved April 24, 1872.

Chap. 255 AN ACT IN ADDITION TO AN ACT TO INCORPORATE THE TRUSTEES OF THE NEW ENGLAND CONFERENCE OF THE METHODIST EPISCOPAL CHURCH.

Be it enacted, &c., as follows:

Real and personal estate, \$500,000.

SECTION 1. The Trustees of the New England Conference of the Methodist Episcopal Church are hereby authorized

and empowered to purchase, receive and hold by gift, grant, devise or otherwise, any real or personal estate to an amount not exceeding five hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1872.

AN ACT TO PROVIDE A FURTHER SUPPLY OF WATER FOR THE CITY OF LYNN. *Chap. 256*

Be it enacted, &c., as follows:

SECTION 1. The city of Lynn, for the purpose of supplying the inhabitants thereof with pure water, may take, hold and convey through said city, the waters of Flax Pond, in said city of Lynn, and the waters which flow into and from the same, and any water rights connected therewith; and may take and hold by purchase or otherwise, such land on and around the margin of said pond, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters, and may also take and hold in like manner, such lands as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works for collecting, conducting and distributing said waters through the city.

Lynn may take water from Flax Pond.

SECTION 2. The mayor of said city of Lynn shall, within sixty days after taking any of the land aforesaid, file in the registry of deeds for the county of Essex, southern district, a description thereof sufficiently accurate for identification.

Description of land to be filed in registry of deeds.

SECTION 3. Said city, for the purposes aforesaid, may build aqueducts from said Flax Pond, and maintain the same by any works suitable therefor; may provide and maintain suitable machinery for raising the water above the source of supply, may erect such structures as are necessary for preserving the works; may make and maintain suitable dams and reservoirs, and establish such public fountains and hydrants as are at any time deemed proper, and may change or discontinue the same; may distribute the water throughout the city, regulate its use, and establish the rates to be paid therefor. Said city may also for the purposes aforesaid, carry its pipes and other works over or under any water-course, street, railroad or highway, in such manner as not to obstruct the same; and may do any other acts and things necessary and proper in executing the purposes of this act.

Aqueducts may be built and fountains and hydrants established.

SECTION 4. Said city shall be liable to pay all damages sustained by any persons or corporation by taking any land, water, water rights or property, or by the constructing of any aqueduct, reservoir, or other works for the purposes

Liability for damages.

aforesaid ; and if any person or corporation sustaining damages as aforesaid, cannot agree with the city upon the amount of such damages, he or it may have them assessed in the same manner as is provided by law with respect to land taken for highways.

Saugus and Swampscott may be supplied with water upon terms to be agreed upon.

SECTION 5. Said city of Lynn may with the written consent of the selectmen of the towns of Saugus or Swampscott supply the said towns of Saugus and Swampscott or either of them with water, upon such terms and conditions as shall be agreed upon by and between the city council of said city and the selectmen of said towns, and for that purpose extend its pipes into said towns or either of them, and with such consent dig up and open any street or way in said towns or either of them, for the placing of such pipes and aqueducts as may be necessary for such purpose and of repairing the same ; and may do such other acts and things as may be necessary for the purposes of this section.

Rights and powers may be delegated to agents.

SECTION 6. The rights, powers and privileges hereby granted, may be exercised by such officers, agents and servants as such city may select or employ, who shall be subject to such ordinances, rules and regulations as the city council may establish, and the mayor shall be eligible to such office.

Penalty for diverting water or rendering it impure.

SECTION 7. If any person shall use any of the said water without the consent of said city, or shall wantonly or maliciously divert the water, or any part thereof, of any of the ponds, springs, streams or sources of water taken or held by said city, pursuant to the provisions of this act, or corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said city, under the authority and for the purposes of this act, he shall forfeit and pay to said city three times the amount of damages assessed therefor, to be recovered in action of tort, and on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Act void unless waters are taken within one year.

SECTION 8. This act shall take effect from and after its acceptance by the city council of said city of Lynn ; and shall become void unless said city shall enter upon and take the waters of said pond as above provided, within one year from the passage of this act.

Approved April 24, 1872.

AN ACT TO AMEND THE CHARTER OF THE TRUSTEES OF THE WORCESTER ACADEMY IN WORCESTER.

Chap. 257

Be it enacted, &c., as follows :

SECTION 1. The trustees of the Worcester Academy in Worcester, may hold real and personal estate for the purposes named in their act of incorporation, to an amount not exceeding in all three hundred thousand dollars in value. Real and personal estate not exceeding \$300,000.

SECTION 2. This act shall take effect upon its passage.

Approved April 24, 1872.

AN ACT TO CHANGE THE NAME OF THE GERMAN UNITED EVANGELICAL LUTHERAN AND REFORMED SOCIETY, AND TO ALLOW SAID SOCIETY TO HOLD REAL AND PERSONAL ESTATE.

Chap. 258

Be it enacted, &c., as follows :

SECTION 1. The name of the German United Evangelical Lutheran and Reformed Society is hereby changed to "The German Reformed Church Society," retaining all the powers and privileges conferred by the original act of incorporation. Name changed.

SECTION 2. Said society may purchase, receive and hold by gift, grant, devise or otherwise, property, real and personal, to an amount not exceeding one hundred thousand dollars. Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1872.

AN ACT TO ESTABLISH THE POLLS AND ESTATES OF THE SEVERAL CITIES AND TOWNS IN THE COMMONWEALTH.

Chap. 259

Be it enacted, &c., as follows :

SECTION 1. The number of polls, the amount of property, and the tax of one thousand dollars, including polls at half a mill each, for each city and town in the several counties of the Commonwealth, as contained in the schedule hereto annexed, are hereby established, and shall constitute a basis of apportionment for state and county taxes during the decade ending in the year eighteen hundred and eighty-two, unless otherwise provided by the legislature, to wit:— Basis established for apportionment of state and county taxes.

BARNSTABLE COUNTY.

TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at half a mill each.	
Barnstable,	1,138	\$2,880,361 14	\$2 09	Barnstable county.
Brewster,	295	800,893 33	57	
Chatham,	613	1,025,358 39	85	
Dennis,	829	1,521,982 74	1 22	

BARNSTABLE COUNTY—CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at half a mill each.
Eastham,	178	\$233,874 22	\$0 21
Falmouth,	650	1,293,695 74	1 01
Harwich,	827	1,083,774 41	99
Mashpee,	69	94,845 87	08
Orleans,	404	568,979 20	50
Provincetown,	1,056	2,102,071 83	1 64
Sandwich,	810	1,444,517 43	1 17
Truro,	347	298,893 69	33
Wellfleet,	583	855,929 09	74
Yarmouth,	579	1,610,171 50	1 14
Total,	8,378	\$15,815,348 58	\$12 54

BERKSHIRE COUNTY.

Berkshire county.

Adams,	2,900	\$6,679,320 34	\$4 98
Alford,	120	311,989 33	22
Becket,	357	490,644 00	44
Cheshire,	445	881,121 33	69
Clarksburg,	153	247,442 66	21
Dalton,	307	1,113,828 70	74
Egremont,	248	579,198 41	43
Florida,	330	206,957 00	27
Great Barrington,	1,102	4,963,402 75	3 17
Hancock,	178	495,515 29	35
Hinsdale,	458	883,906 68	70
Lanesborough,	366	765,788 33	59
Lee,	920	1,725,051 50	1 37
Lenox,	504	1,492,673 83	1 04
Monterey,	186	308,160 16	26
Mount Washington,	62	99,381 00	08
New Ashford,	48	109,439 00	08
New Marlborough,	504	919,417 25	74
Otis,	252	325,529 00	30
Peru,	118	197,715 16	16
Pittsfield,	2,484	8,856,082 51	5 92
Richmond,	295	546,406 82	44
Sandisfield,	342	546,026 32	46
Savoy,	209	279,228 66	25
Sheffield,	538	1,367,702 91	99
Stockbridge,	462	2,659,644 32	1 64
Tyringham,	130	305,898 00	23
Washington,	156	290,378 50	23
West Stockbridge,	523	928,665 41	75
Williamstown,	689	1,718,937 65	1 25
Windsor,	193	314,619 66	26
Total,	15,579	\$40,610,072 48	\$29 24

BRISTOL COUNTY.

TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at half a mill each.	
Acushnet,	281	\$682,324 06	\$0 50	Bristol county.
Attleborough,	1,285	2,987,311 91	2 22	
Berkley,	196	327,809 65	27	
Dartmouth,	793	2,340,476 23	1 63	
Dighton,	458	867,692 24	69	
Easton,	974	2,903,498 20	2 02	
Fairhaven,	661	1,676,529 57	1 22	
Fall River,	7,070	27,513,445 21	18 08	
Freetown,	326	841,317 93	61	
Mansfield,	587	884,314 40	76	
New Bedford,	5,333	25,488,267 65	16 14	
Norton,	429	827,559 67	65	
Raynham,	444	1,177,491 29	84	
Rehoboth,	441	803,565 74	65	
Seekonk,	246	606,265 33	44	
Somerset,	475	979,392 73	76	
Swansey,	323	669,337 78	52	
Taunton,	4,855	15,273,009 41	10 50	
Westport,	662	1,526,683 63	1 14	
Total,	25,839	\$88,371,292 63	\$59 64	

COUNTY OF DUKES COUNTY.

Chilmark,	152	\$327,835 56	\$0 25	Dukes county.
Edgartown,	480	1,205,118 77	88	
Gay Head,	38	11,014 00	02	
Gosnold,	26	162,514 00	10	
Tisbury,	428	706,958 84	59	
Total,	1,124	\$2,413,436 17	\$1 84	

ESSEX COUNTY.

Amesbury,	1,793	\$2,331,694 62	\$2 13	Essex county.
Andover,	1,019	3,406,297 79	2 31	
Beverly,	1,872	5,849,009 38	4 03	
Boxford,	235	817,822 79	55	
Bradford,	530	1,103,752 84	85	
Danvers,	1,298	2,927,161 52	2 20	
Essex,	420	943,770 71	71	
Georgetown,	582	868,536 58	75	
Gloucester,	3,496	7,709,462 73	5 82	
Groveland,	520	774,183 26	67	
Hamilton,	198	536,020 22	38	

ESSEX COUNTY—CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at half a mill each.
Haverhill,	3,967	\$9,342,712 44	\$6 92
Ipswich,	815	1,762,137 86	1 34
Lawrence,	6,625	18,570,198 36	13 13
Lynn,	7,558	21,787,103 36	15 29
Lynnfield,	211	711,866 84	48
Manchester,	429	1,219,013 64	86
Marblehead,	2,152	3,388,539 78	2 87
Methuen,	904	1,987,472 13	1 50
Middleton,	235	445,943 46	35
Nahant,	138	5,565,328 53	3 01
Newbury,	290	882,549 55	61
Newburyport,	3,218	8,269,884 02	5 98
North Andover,	729	2,196,427 34	1 53
Peabody,	2,100	5,427,619 59	3 92
Rockport,	941	1,688,770 59	1 36
Rowley,	803	546,301 01	44
Salem,	5,558	25,382,251 19	16 19
Salisbury,	966	1,903,012 04	1 49
Saugus,	512	1,488,852 07	1 04
Swampscott,	541	2,104,515 88	1 38
Topsfield,	321	755,450 34	56
Wenham,	240	504,944 95	39
West Newbury,	518	1,129,092 87	86
Total,	51,234	\$144,327,699 78	\$101 90

FRANKLIN COUNTY.

Franklin
county.

Ashfield,	332	\$558,337 62	\$0 46
Bernardston,	238	478,234 80	37
Buckland,	523	602,238 16	58
Charlemont,	251	397,298 44	34
Colrain,	366	729,502 68	57
Conway,	377	869,061 87	65
Deerfield,	837	1,464,055 28	1 19
Erving,	211	260,911 42	24
Gill,	194	481,482 11	35
Greenfield,	888	2,475,857 02	1 75
Hawley,	172	171,115 66	18
Heath,	155	312,175 72	24
Leverett,	235	370,054 70	31
Leyden,	109	251,343 33	19
Monroe,	49	63,609 96	06
Montague,	698	1,007,781 91	88
New Salem,	268	349,997 66	32
Northfield,	456	789,612 10	65

FRANKLIN COUNTY—CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at half a mill each.
Orange,	785	\$1,122,926 29	\$0 99
Rowe,	158	184,585 28	18
Shelburne,	374	1,066,305 18	75
Shutesbury,	160	209,984 00	19
Sunderland,	206	465,132 06	35
Warwick,	232	258,329 35	25
Wendell,	145	206,909 42	18
Whately,	810	802,511 69	58
Total,	8,729	\$15,949,353 71	\$12 80

HAMPDEN COUNTY.

Agawam,	488	\$965,823 95	\$0 75	Hampden county.
Blandford,	278	536,872 12	42	
Brimfield,	318	717,093 08	54	
Chester,	350	496,540 46	44	
Chicopee,	2,387	4,379,262 85	3 51	
Granville,	338	480,283 41	42	
Holland,	94	146,605 88	12	
Holyoke,	2,811	6,261,712 49	4 72	
Longmeadow,	356	1,209,609 84	82	
Ludlow,	258	485,955 30	39	
Monson,	672	1,393,765 94	1 07	
Montgomery,	93	158,231 00	13	
Palmer,	818	1,412,195 71	1 16	
Russell,	163	283,149 66	23	
Southwick,	292	729,392 87	53	
Springfield,	7,140	29,500,151 56	19 16	
Tolland,	134	302,583 66	28	
Wales,	222	873,372 12	31	
Westfield,	1,997	5,163,347 08	3 73	
West Springfield,	688	2,161,000 48	1 49	
Wilbraham,	554	883,278 57	74	
Total,	20,441	\$58,039,727 97	\$40 91	

HAMPSHIRE COUNTY.

Amherst,	935	\$3,324,202 76	\$2 22	Hampshire county.
Belchertown,	584	1,132,103 19	89	
Chesterfield,	233	405,371 16	33	
Cummington,	255	391,155 65	33	
Easthampton,	773	2,955,277 21	1 95	
Enfield,	310	716,497 09	53	

HAMPSHIRE COUNTY—CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at half a mill each
Goshen,	96	\$150,824 50	\$0 13
Granby,	286	546,724 41	41
Greenwich,	193	306,966 73	26
Hadley,	616	1,480,119 87	1 09
Hatfield,	426	1,617,664 78	1 07
Huntington,	278	562,987 01	44
Middlefield,	180	425,139 66	31
Northampton,	2,403	7,349,272 04	5 09
Pelham,	167	203,607 00	19
Plainfield,	158	273,990 75	23
Prescott,	139	217,396 88	18
South Hadley,	665	1,960,330 07	1 37
Southampton,	296	588,242 98	46
Ware,	892	1,759,527 89	1 38
Westhampton,	127	443,460 82	30
Williamsburg,	604	1,535,881 73	1 11
Worthington,	240	373,670 88	32
Total,	10,806	\$28,725,415 06	\$20 59

MIDDLESEX COUNTY.

Middlesex county.

Acton,	486	\$1,037,827 04	\$0 79
Arlington,	869	3,968,954 00	2 53
Ashby,	298	538,289 02	43
Ashland,	685	1,149,051 92	95
Ayer,	492	897,098 96	72
Bedford,	228	555,862 26	41
Belmont,	436	2,617,009 39	1 60
Billerica,	485	1,565,065 74	1 07
Boxborough,	105	267,586 66	19
Brighton,	1,331	7,137,224 78	4 44
Burlington,	201	474,776 95	35
Cambridge,	10,323	45,646,076 22	29 29
Carlisle,	154	373,391 29	27
Charlestown,	8,271	28,314,873 65	19 10
Chelmsford,	600	1,764,033 18	1 23
Concord,	645	2,864,666 82	1 57
Dracut,	523	1,391,920 72	1 00
Dunstable,	137	826,185 22	24
Everett,	654	2,107,796 48	1 44
Framingham,	1,244	3,897,847 34	2 68
Groton,	465	1,743,460 03	1 15
Holliston,	856	1,857,291 57	1 41
Hopkinton,	1,099	2,079,868 55	1 65
Hudson,	915	1,296,966 72	1 14
Lexington,	625	2,249,651 27	1 50

MIDDLESEX COUNTY—CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at half a mill each.
Lincoln,	289	\$700,779 78	\$0 49
Littleton,	248	755,331 16	52
Lowell,	9,186	27,811,128 12	19 29
Malden,	1,945	6,372,237 44	4 34
Marlborough,	2,320	2,699,682 80	2 59
Maynard,	522	916,118 50	75
Medford,	1,530	6,263,456 43	4 08
Melrose,	881	2,627,738 75	1 83
Natick,	1,863	2,932,489 58	2 48
Newton,	8,199	19,244,632 61	11 77
North Reading,	263	531,633 64	41
Pepperell,	526	1,171,801 73	88
Reading,	759	1,702,763 48	1 28
Sherborn,	267	984,136 41	65
Shirley,	841	927,209 84	66
Somerville,	3,832	13,372,478 79	8 98
Stoneham,	1,390	2,104,304 51	1 81
Stow,	296	777,846 50	56
Sudbury,	330	1,035,945 50	71
Tewksbury,	817	984,172 58	68
Townsend,	611	766,804 31	71
Tyngsborough,	175	316,817 86	25
Wakefield,	1,438	2,969,802 34	2 29
Waltham,	2,368	8,021,324 14	5 42
Watertown,	1,150	4,907,134 30	8 17
Wayland,	360	703,298 23	55
Westford,	534	1,063,516 64	83
Weston,	342	1,327,178 64	87
Wilmington,	231	513,090 74	39
Winchester,	772	3,398,370 13	2 18
Woburn,	2,527	7,564,366 26	5 26
Total,	72,889	\$241,090,362 02	\$163 83

NANTUCKET COUNTY.

Nantucket,	923	\$2,357,831 09	\$1 71	Nantucket county.
Total,	923	\$2,357,831 09	\$1 71	

NORFOLK COUNTY.

Bellingham,	344	\$515,725 93	\$0 44	Norfolk county.
Braintree,	1,092	2,186,788 92	1 70	
Brookline,	1,522	21,501,469 85	12 13	

NORFOLK COUNTY—CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at half a mill each.
Canton,	947	\$2,786,565 18	\$1 95
Cohasset,	558	1,937,175 89	1 30
Dedham,	1,355	4,829,464 96	3 23
Dover,	167	409,896 21	30
Foxborough,	708	1,505,935 49	1 15
Franklin,	620	1,582,983 09	1 15
Holbrook,	425	1,216,276 87	86
Hyde Park,	1,507	4,898,294 61	3 34
Medfield,	296	848,683 81	60
Medway,	905	1,666,371 47	1 33
Milton,	657	5,452,958 68	3 21
Needham,	976	3,031,378 55	2 09
Norfolk,	270	474,490 49	39
Norwood,	466	1,188,850 41	86
Quincy,	1,847	4,929,735 34	3 53
Randolph,	1,102	1,929,429 19	1 57
Sharon,	371	822,389 80	62
Stoughton,	1,191	2,434,962 24	1 88
Walpole,	532	1,352,977 46	98
West Roxbury,	2,310	15,368,478 81	9 28
Weymouth,	2,510	5,173,496 62	3 99
Wrentham,	546	1,166,231 78	89
Total,	23,224	\$89,211,016 65	\$58 77

PLYMOUTH COUNTY.

Plymouth
county.

Abington,	2,619	\$4,220,356 81	\$3 54
Bridgewater,	852	2,391,899 09	1 69
Carver,	279	602,417 89	46
Duxbury,	680	1,180,932 56	96
East Bridgewater,	827	1,245,410 31	1 07
Halifax,	184	337,558 21	27
Hanover,	440	1,002,267 23	75
Hanson,	367	502,514 51	45
Hingham,	1,208	3,246,673 86	2 32
Hull,	73	258,880 98	17
Kingston,	425	1,428,795 16	97
Lakeville,	318	572,712 25	46
Marion,	237	485,308 23	37
Marshfield,	480	827,907 29	68
Mattapoisett,	358	602,126 13	50
Middleborough,	1,322	2,382,045 41	1 92
North Bridgewater,	2,294	3,516,509 83	3 01
Pembroke,	395	621,066 78	53
Plymouth,	1,443	3,828,322 31	2 74
Plympton,	215	310,922 34	27

PLYMOUTH COUNTY—CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at half a mill each.
Rochester,	301	\$508,534 97	\$0 42
Scituate,	663	1,093,852 80	91
South Scituate,	458	1,004,412 33	76
Wareham,	726	1,163,960 63	98
W. Bridgewater,	440	850,497 97	67
Total,	17,604	\$34,185,885 88	\$26 87

SUFFOLK COUNTY.

Boston,	61,148	\$688,870,531 46	\$368 24	Suffolk county.
Chelsea,	4,452	12,405,134 86	8 78	
Revere,	343	1,016,113 29	71	
Winthrop,	133	533,628 41	35	
Total,	66,076	\$652,825,408 02	\$378 08	

WORCESTER COUNTY.

Ashburnham,	598	\$970,764 72	\$0 81	Worcester county.
Athol,	1,045	2,093,389 54	1 63	
Auburn,	257	532,348 99	41	
Barre,	654	1,916,326 66	1 34	
Berlin,	273	436,751 70	37	
Blackstone,	1,112	2,301,719 56	1 77	
Bolton,	286	578,263 34	45	
Boylston,	198	556,767 68	39	
Brookfield,	727	1,210,255 71	1 00	
Charlton,	525	1,022,738 26	80	
Clinton,	1,251	3,021,080 13	2 22	
Dana,	202	273,117 33	25	
Douglas,	598	972,710 86	81	
Dudley,	601	996,905 48	83	
Fitchburg,	3,317	11,283,337 05	7 62	
Gardner,	968	1,753,531 67	1 41	
Grafton,	1,006	1,903,027 53	1 51	
Hardwick,	522	1,168,036 78	88	
Harvard,	376	1,036,539 10	74	
Holden,	482	934,992 56	74	
Hubbardston,	439	881,670 88	69	
Lancaster,	425	2,328,167 05	1 44	
Leicester,	708	2,122,772 00	1 48	
Leominster,	1,232	2,961,363 92	2 18	
Lunenburg,	315	765,487 66	56	

WORCESTER COUNTY—CONCLUDED.

TOWNS.	Polls.	Property.	Tax of \$1,000, including Polls at half a mill each.
Mendon,	806	\$712,574 42	\$0 53
Milford,	2,662	4,932,915 45	3 94
Millbury,	1,050	1,958,885 07	1 56
New Braintree,	164	592,483 93	40
Northborough,	378	1,327,854 03	89
Northbridge,	817	1,936,368 26	1 43
North Brookfield,	1,109	1,620,848 18	1 41
Oakham,	231	370,521 56	31
Oxford,	718	1,310,451 78	1 05
Paxton,	198	326,809 33	27
Petersham,	810	770,893 62	56
Phillipston,	177	298,445 00	25
Princeton,	308	957,602 93	66
Royalston,	843	859,138 08	63
Rutland,	268	520,180 30	41
Shrewsbury,	452	1,104,404 99	81
Southborough,	513	1,391,240 48	99
Southbridge,	1,250	2,312,315 49	1 85
Spencer,	1,101	2,060,940 58	1 64
Sterling,	445	1,237,743 84	88
Sturbridge,	546	964,681 65	78
Sutton,	622	1,195,893 65	94
Templeton,	736	1,161,246 67	98
Upton,	529	841,077 61	71
Uxbridge,	707	1,862,082 21	1 84
Warren,	714	1,479,329 54	1 14
Webster,	1,201	2,216,306 08	1 77
Westborough,	968	1,981,057 26	1 53
West Boylston,	697	1,021,478 74	89
West Brookfield,	454	831,177 83	67
Westminster,	484	876,810 69	71
Winchendon,	1,027	1,892,527 00	1 51
Worcester,	11,638	37,263,867 13	25 51
Total,	51,240	\$124,212,169 49	\$91 28

SECTION 2. This act shall take effect upon its passage.
Approved April 25, 1872.

Chap. 260 AN ACT IN ADDITION TO AN ACT TO PROVIDE FOR THE REGULATION AND INSPECTION OF BUILDINGS, THE MORE EFFECTUAL PREVENTION OF FIRE, AND THE BETTER PRESERVATION OF LIFE AND PROPERTY IN BOSTON.

Be it enacted, &c., as follows :

Wooden building, not to be built within

SECTION 1. Section sixteen of chapter two hundred and eighty of the acts of the year eighteen hundred and seventy-

one, is hereby repealed, and the following enacted in place thereof:—

building limits
of Boston.
1871, 280 § 16.

No wooden or frame building shall hereafter be built within the said building limits of the city of Boston, except as hereinafter provided, and no wooden addition shall be made to any building within said limits which shall exceed fifteen feet in height from the ground to the highest part thereof, or which shall exceed five hundred superficial feet in area; and not more than one wooden addition shall be allowed to be built to any building within the said building limits. No wooden building shall be moved from any lot outside of the said limits to any lot within the said limits.

Wooden build-
ings not to be
moved within
limits.
Sheds may be
erected upon
wharves under
the direction of
the inspector of
buildings.

It shall be lawful to erect wooden or frame sheds, for storage or other purposes, upon wharves within the building limits of the city of Boston, upon the following conditions, namely:—Every such shed shall not exceed twenty-seven feet in height from the level of the wharf to the peak or highest point thereof. It shall be located and constructed in such a manner as the inspector of buildings may direct, and the roof and other external parts thereto shall be covered with non-combustible material, to be approved by said inspector.

The city council of Boston may authorize the erection, within the building limits, of elevators for grain or coal to a height greater than twenty-seven feet, and of sheds for the storage of lumber and for mechanical purposes. The inspector of buildings may grant the privilege of erecting temporary sheds, at building sites, for the use of builders.

City council
may authorize
erection of ele-
vators.

The city council of the city of Boston shall have control and direction of the building of wooden buildings outside of said limits, but within said city, and may authorize such buildings upon such terms and conditions as they may deem expedient.

SECTION 2. Section twenty-one of said chapter two hundred and eighty is amended by inserting the words “with walls” after the words “dwelling-houses,” wherever they occur.

Amendment.
1871, 280 § 21.

SECTION 3. Section twenty-two of said chapter two hundred and eighty is hereby repealed, and the following enacted in place thereof:—

Dimensions of
walls for build-
ings other than
dwelling-
houses.

Buildings other than dwelling-houses, shall have walls of the following thickness:

1871, 280 § 22.

For buildings in which the walls do not exceed thirty-five feet in height, the foundation walls, laid in block stone in horizontal courses, shall not be less than eighteen inches thick; the external and party-walls not to be less than twelve

inches thick to the top of the upper floor, and not less than eight inches thick for the remaining height.

For buildings in which the walls exceed thirty-five and do not exceed fifty-five feet in height, the foundation walls, laid in block stone, shall not be less than two feet thick; the external and party-walls not less than sixteen inches thick to the top of the highest floor, and not less than twelve inches thick for the remaining height.

For buildings in which the walls exceed fifty-five feet in height, the foundation walls, laid with block stone in horizontal courses, shall be not less than thirty inches thick; external and party-walls, not bearing floor timbers, not less than sixteen inches thick to the top of the highest floor, and not less than twelve inches thick for the remaining height; external or party-walls, bearing floor timbers, not less than twenty inches thick to the top of the second floor above the street, and not less than sixteen inches thick from the top of the second floor above the street to the top of the highest floor, and not less than twelve inches thick for the remaining height.

The bottom course for all foundation walls resting upon the ground shall be at least twelve inches wider than the thickness above given for the foundation walls.

Reduction of
breadth may be
permitted by
Inspector.

In case the great solidity of the foundation will warrant it, the inspector may, at his discretion, permit a reduction of the maximum breadths of foundation walls. And in case of disagreement between the architect or owner and the inspector, the matter shall be decided by reference as provided in section nineteen.

Regulations as
to cellars and
ventilation of
tenement
houses may be
made by board
of health.
1871, 280 § 50.

SECTION 4. Section fifty of said chapter two hundred and eighty is hereby repealed, and the following enacted in place thereof:

The board of health have authority to make other regulations as to cellars and the ventilation of tenement houses. The municipal court of the city of Boston, the municipal court of the Dorchester district, and the municipal court of the southern district shall have jurisdiction concurrent with the superior court of all offences against sections forty, forty-one, forty-two, forty-three, forty-four and forty-five of chapter two hundred and eighty of the acts of the year eighteen hundred and seventy-one, and every person violating any of these sections shall be guilty of a misdemeanor punishable by a fine not exceeding three hundred dollars, or by imprisonment not exceeding sixty days.

All complaints of violations of sections forty, forty-one,

forty-two, forty-three, forty-four and forty-five of this act shall be made only by authority of the board of health.

SECTION 5. Section fifty-nine of said chapter two hundred and eighty is hereby repealed, and the following enacted in place thereof:

Hoistways to be surrounded by railing and kept closed when not in use.
1871, 280 § 59.

In any store or building in Boston, in which there shall exist or be placed any hoistway, elevator or well-hole, the openings thereof through and upon each floor of the said building shall be provided with and protected by a good and substantial railing, and such good and sufficient trap-doors with which to close the same, as may be directed and approved by the inspector of buildings; and such trap-doors shall be kept closed at all times except when in actual use by the occupant or occupants of the building having the use and control of the same. For any neglect or violation of the provisions of this section, a penalty not exceeding one hundred dollars for each and every offence may be imposed upon the owner, lessee or occupant of said building.

Approved April 25, 1872.

AN ACT IN RELATION TO CHANGE OF DOMICIL OF VOTERS IN CITIES.

Chap. 261

Be it enacted, &c., as follows:

SECTION 1. Voters in cities shall be registered in the respective wards wherein they are assessed, except as hereinafter provided.

Voters to be registered in wards where assessed.

SECTION 2. No person who removes from one ward in any city to another ward shall be registered as a legal voter in said last mentioned ward, or vote therein, until he has resided in said last mentioned ward continuously for a period of at least three months, when he may be so registered, and until any person who so removes shall have the right to be registered and vote in the last mentioned ward he shall have the right to vote in the ward in which he was previously registered, if otherwise qualified according to the constitution and laws of this Commonwealth.

Not to be registered in ward removed to, until after three months' residence.

Approved April 25, 1872.

AN ACT CONCERNING THE CROSSING OF RAILROADS BY HIGHWAYS AND TOWN WAYS.

Chap. 262

Be it enacted, &c., as follows:

SECTION 1. If the mayor and aldermen of a city, or the selectmen of a town wherein a highway or town way which crosses or is crossed by a railroad is situated, or the directors of any railroad corporation, whose road crosses or is crossed by such way, are of the opinion that it is necessary for the security or convenience of the public, that the approaches to or method of such crossing should in any way be altered,

Railroad crossings may be altered by order of county commissioners.

the county commissioners shall, when after due notice and hearing of all parties interested they decide that such alteration is necessary, prescribe the manner and limits within which it shall be made, and forthwith certify their decision in the matter to the parties, and also to the board of railroad commissioners; and when the county commissioners decide that no alteration is necessary, the party making the application shall pay the costs thereof.

Costs.

Commission to determine by whom alteration shall be made.

SECTION 2. The party by whom such decision shall be carried into effect shall be determined upon the award of a commission consisting of three disinterested persons, one of whom shall be named by the county commissioners, if the way that crosses or is crossed by the railroad is a highway, or by the selectmen or mayor and aldermen if it is a town way; one by the railroad corporation interested; and the third shall be a member of the board of railroad commissioners designated by said board. Said commission shall be named within thirty days after the decision that an alteration is necessary, and shall meet within sixty days; and the said commission shall also determine by what party all charges and expenses occasioned by making such alteration, and all future charges for keeping in repair such crossing and the approaches thereto, as well as all costs of the application to the county commissioners, or of the hearing before said commission, shall be borne; or said commission may apportion all such charges, expenses or costs between the railroad corporation and the town, city or county in which said crossing is situated, and the award of said commission shall be final.

Charges and expenses.

In Suffolk and Nantucket, railroad commissioners to perform duties.

SECTION 3. In the counties of Suffolk and Nantucket the board of railroad commissioners shall perform the duties required of the county commissioners by the first section of this act.

If town, etc., fails to name member of commission, railroad commissioners to appoint.

SECTION 4. When the town, city, county or railroad corporation required to name a member of the commission as provided in the second section of this act, shall not have done so within thirty days after the decision of the county commissioners that an alteration is necessary, the board of railroad commissioners shall name such member of the commission.

When decision is carried into effect, party named for that purpose may recover proportion awarded to others.

SECTION 5. When the decision of the commission has been carried into effect by the party named for that purpose, such party may recover of any other party the proportion awarded to be paid by such other party, with interest in an action of contract; and if the party named to carry such decision into effect unreasonably neglects or refuses so to do,

any other party affected thereby may proceed to do it, and may recover, in an action of tort, against all or any of the parties affected, all charges and expenses occasioned thereby.

SECTION 6. Sections fifty-three and fifty-four of chapter sixty-three of the General Statutes are hereby repealed, and section fifty-seven of the same chapter shall not be construed to include alterations prescribed under this act. Repeal G. S. 63, §§ 53, 54, 57.

SECTION 7. This act shall take effect upon its passage.

Approved April 25, 1872.

AN ACT TO AUTHORIZE THE CITY OF WORCESTER TO ACQUIRE THE INTEREST OF THE FIRST PARISH IN WORCESTER IN THE OLD COMMON IN SAID CITY, FOR THE PURPOSES OF A PUBLIC PARK.

Chap. 263

Be it enacted, &c., as follows:

SECTION 1. The city of Worcester is hereby authorized, by its city council, to acquire by purchase or to take, for the purposes of a public park all the title and interest of the first parish in Worcester, in the old common, in said city. Worcester may take the old common for a public park.

SECTION 2. Said city shall within thirty days after its city council shall vote to take said title and interest, cause a certified copy of the vote to be served upon said parish in the manner provided in chapter one hundred and thirty-six of the acts of the year eighteen hundred and sixty-five; and the return of the officer making the service, being recorded with a certified copy of said vote in the registry of deeds for the county of Worcester, shall be evidence of such service. First parish to be served with a certified copy of the vote of the city council.

SECTION 3. Said city shall be liable to pay all damages, if any, which shall be sustained by said parish by the taking of its title and interest in said common, including the building situated on said common, belonging to said parish, by authority of this act; and if said parish shall not agree with said city upon the amount of said damages, said parish may apply by petition for the assessment of said damages, within one year after it shall have notice of the passage by said city council of the vote to take said title and interest, to the superior court, in the county of Worcester; and said court shall thereupon, after due notice to said city, appoint three commissioners, who, after hearing the parties, shall assess said damages; and the award of said commissioners, or of a major part of them, being returned into and accepted by said court, shall be final, and judgment shall be rendered thereon for the prevailing party, with costs, unless one of said parties shall claim a trial by jury, as hereinafter provided. Liability of city for damages.

SECTION 4. If either of said parties shall be dissatisfied with the amount of damages awarded by said commissioners, Either party dissatisfied with award for

damages may have a trial by jury.

City may offer in court that a specified sum may be awarded as damages.

Costs.

Parish may occupy meeting-house upon the common for one year, free of rent.

Pews to be appraised and value paid to owners,

Subject to approval by the voters of the city.

such party may at the term at which said award is accepted, or the next term thereafter, claim a trial by jury; and said court shall thereupon order a trial to be had at the bar of said court, in the same manner in which other civil causes are there tried by jury.

SECTION 5. The said city may at any time after the entry of said application, offer in court, and consent in writing, that a sum therein specified may be awarded as damages to said parish; and if said parish shall not accept the same within thirty days after it has received notice of said offer, or within such further time as the court shall for good cause grant, and shall not finally recover a greater sum than the sum offered, not including interest on the sum recovered in damages from the date of the offer, the said city shall be entitled to recover its costs after said date; and said parish, if it recovers damages, shall be allowed its costs only to the date of the offer.

SECTION 6. Said parish may occupy and use the meeting-house standing on said common, free of rent, for one year after it shall have notice of the passage of such a vote by said city council, and may within said time, with the leave of the mayor and aldermen, remove said meeting-house from said common; and said parish shall within said time cause the pews in said meeting-house to be appraised in the manner provided in sections thirty five and thirty-six of chapter thirty of the General Statutes, and the appraised value of said pews shall be paid to the owners thereof by said parish from the money received from said city as the price of the title and interest of said parish in said common, or as damages for the taking thereof as herein provided.

Any balance of money so received from said city after paying the owners of pews the appraised value thereof shall be expended for parish purposes and for no other purposes whatever.

SECTION 7. This act shall not take effect unless submitted to and approved by the voters of the city of Worcester, at meetings held simultaneously for that purpose in the several wards, which meetings shall be called in the same manner as other legal meetings of said wards are called.

Approved April 25, 1872.

Chap. 264

Wharves etc., not to be extended in Wareham River beyond harbor lines.

AN ACT TO ESTABLISH HARBOR LINES ON WAREHAM RIVER.
Be it enacted, &c., as follows:

SECTION 1. No wharf, pier or other structure shall be extended into or over tide-water in Wareham River, from the westerly bank of said river beyond the line hereinafter

defined on the westerly side of said river, or from the easterly bank of said river beyond the line hereinafter defined on the easterly side of said river.

The line on the westerly side of Wareham River begins at a point on the low-water mark on the north-easterly side of the embankment of the main track of the Cape Cod Railroad, in line with the present face of the old wharf between the town bridge and the said railroad embankment extended, marked A on the harbor commissioners' map of Wareham River, dated January first, eighteen hundred and seventy-two, and runs south-easterly, following and coinciding with said line of said old wharf extended, and the line of said old wharf, to the north-easterly corner of the westerly abutment of the town bridge, marked A¹ on said map; thence, in a straight line, passing in front of the Tremont and Carver wharves to the re-entering angle in the line of the present sea-wall or wharf, distant about two hundred and sixty feet south-easterly from the southerly side of the said town bridge, at a point marked B on said map; thence, turning more easterly, and running in a straight line a distance of about three hundred and five feet to the present north-easterly corner of the sea-wall on the line of the Ellis and Tobey wharf, to a point marked C on said map; thence, turning and running more southerly, following and coinciding with the lines of the said Ellis and Tobey wharf and the wharf of the Parker Mills and the wharf of the Franconia Iron and Steel Company, to the south-easterly corner of the sea-wall or wharf of the said Franconia Company, to a point marked D on said map; thence, continuing south-easterly, in the same direction as the last-named line, a distance of six hundred feet to a point marked E on said map; thence, turning more southerly by an angle with the last-named line of seventeen degrees and forty minutes, and running a distance of six hundred feet to a point marked F on said map; thence, turning still more southerly by an angle with the last-named line of seventeen degrees and forty minutes, and running a distance of six hundred feet to a point marked G on said map; thence, turning south a little westerly by an angle with the last-named line of ten degrees, and running a distance of fifteen hundred and eighty feet, to a point near the entrance of the small channel running into Broad Marsh River, marked H on said map; thence, turning north-westerly by an angle with the last-named line of sixty-four degrees, and running a distance of five hundred feet to a point marked I on said map.

Harbor line
established on
westerly side of
river.

Harbor line
established on
easterly side of
river.

The line on the easterly side of Wareham River begins at a point on the outer or south-west~~erly~~ corner of the stone abutment or sea-wall, on the southerly side of the sluice or passage-way for barges under the town and railroad bridges, marked K on said map ; and runs south-easterly, in a straight line, a distance of one thousand and eighty-five feet to a point opposite the wharf of the Franconia Iron and Steel Company on the westerly side of the river, and distant from the line of said wharf two hundred and fifty feet, measuring at right angles therefrom, marked L on said map ; thence, turning more easterly by an angle with the last-named line of sixteen degrees, and running a distance of fourteen hundred feet to a point marked M on said map ; thence, turning southerly by an angle with the last-named line of twelve degrees, and running a distance of three hundred feet to a point marked N on said map ; thence, turning more southerly by an angle with the last-named line of twenty-seven degrees and thirty minutes, and running a distance of three hundred feet to a point marked O on said map ; thence, turning more southerly by an angle with the last-named line of twenty-three degrees, and running a distance of three hundred feet to a point marked P on said map ; thence, turning south a little westerly, and running a distance of two thousand feet to a point distant about seventy-five feet westerly from the high-water mark at the salient point of the headland on the easterly side of the river, opposite the mouth of Broad Marsh River on the westerly side of the river, marked Q on said map, which point Q is distant five hundred feet from the line G H on the opposite and easterly side of the river, measuring at right angles to said line G H.

Authority to
construct wharf
etc., not given
by this act.

SECTION 2. Nothing contained in this act shall be construed to give authority to any person to extend or construct a wharf, pier or other structure in Wareham River.

SECTION 3. This act shall take effect upon its passage.

Approved April 25, 1872.

Chap. 265

Winchester to
be supplied
with pure water
from Wedge &
Winter Ponds.

AN ACT TO SUPPLY THE TOWN OF WINCHESTER WITH PURE WATER.
Be it enacted, &c., as follows :

SECTION 1. The town of Winchester may by and through the agency of three commissioners to be appointed in the manner hereinafter provided, take, hold and convey by steam or other power, into and through the said town, by suitable aqueducts or pipes, the waters of Wedge Pond and Winter Pond, and may also take and hold by purchase or otherwise any real estate or water rights necessary for the construction of such aqueducts, pipes, pumps, dams, reser-

voirs or other structures as may be necessary or convenient for the preservation and purity of said waters, and for collecting, conducting and distributing the same in said town of Winchester; and may make reservoirs and hydrants, and may distribute the said water through said town by laying down pipes, and may establish from time to time prices or rents for the supply or use of said water.

SECTION 2. Within sixty days after the taking of any of the land aforesaid, said town, through the same agency, shall file in the registry of deeds for the county in which the land lies, a description thereof, sufficiently accurate for identifying the same. All claims for damages sustained by taking lands, water or water rights, or by making aqueducts, reservoirs or other works, shall be ascertained, determined and recovered, in the manner now provided by law in case of land taken for highways, except that the complaint may be filed within three years after said taking.

To file in registry of deeds, within sixty days, description of land taken.

Liability for damages.

SECTION 3. For the purpose of defraying the cost of such property, lands, water and water rights as are taken, purchased or held for the purposes aforesaid, and of constructing works necessary and proper for the accomplishment of the purposes authorized by this act, and paying all the expenses incident thereto, the said town of Winchester may, by and through the same agency, issue from time to time, scrip, notes or certificates of debt, to an amount not exceeding two hundred thousand dollars, the same to be denominated on its face, "Winchester Water Fund Bonds." All such scrip shall bear interest payable semi-annually, and the principal shall be payable at periods not more than twenty years from the issuing of said scrip, notes or certificates respectively; and the same or any part thereof, may be sold, from time to time, at public or private sale, for the purpose aforesaid, on such terms and conditions as said commissioners may deem proper. Said town is authorized to make appropriations, and assess from time to time such amounts as it may from year to year decide, not exceeding in any one year prior to the year in which the bonds mature, the sum of ten thousand dollars, towards paying the principal of the money so borrowed; and also a sum sufficient to pay the interest thereon, in the same manner as money is assessed and appropriated for other town purposes.

"Winchester Water Fund Bonds" may be issued, not exceeding \$200,000.

Interest payable annually, and principal within twenty years.

Annual appropriations and assessments may be made for principal and interest.

SECTION 4. Three commissioners shall be chosen by the said town by ballot, who shall, during their continuance in office, execute, superintend and direct the performance and execution of all the works, matters and things mentioned in the preceding sections, that are not specially otherwise pro-

Three commissioners to be chosen who shall have charge of the works.

vided for in this act ; and they shall be subject to such rules and regulations, in the execution of their said trust, as the said town may from time to time ordain and establish, not inconsistent with the provisions of this act and the laws of this Commonwealth.

To hold office for three years unless works are sooner completed.

They shall respectively hold their said offices for the term of three years next after their appointment, unless the works aforesaid shall sooner be completed.

Compensation.

A major part of said commissioners shall be a quorum to do business. They shall, once a year, and whenever required by the selectmen of the town, make and present, in writing, a full and particular statement of all their acts and doings, and of the condition and progress of the work aforesaid. The compensation of said commissioners shall be established by the town at the meeting at which they shall be respectively elected, and shall not be altered during their continuance in office.

When office of commissioners ceases, powers to be exercised by the town.

SECTION 5. Whenever the office of said commissioners shall cease either by the expiration of their term of office or the completion of the work, all the rights, powers and authority given to said commissioners by this act, shall then and thenceforth be exercised by the said town, subject to the duties, liabilities and restrictions herein contained, in such manner and by such officers and agents as the said town shall from time to time ordain and direct.

Penalty for unlawfully using or diverting water or rendering it impure.

SECTION 6. If any person shall use any of the said water, without the consent of the said town, an action of tort may be maintained by the inhabitants of said town for the recovery of damages therefor ; and if any person shall wantonly or maliciously divert the water or any part thereof, of any springs, brooks or water-courses which shall be taken pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, reservoir, aqueduct, pipe, conduit, hydrant, machinery or other works or property, held, owned or used by said town, by the authority and for the purposes of this act, every such person shall forfeit and pay to said district three times the amount of the damages that shall be assessed therefor, in an action of tort in the name of the inhabitants of said town ; and any such person, on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine not exceeding three hundred dollars or imprisonment not exceeding one year.

Rights of drainage not increased.

SECTION 7. Nothing in this act shall be construed as giving any increased rights of drainage into any of the water-courses or ponds of said town of Winchester.

SECTION 8. The selectmen of the town of Winchester shall warn a meeting of the voters of said town within one year from the passage of this act for the purpose of having said voters give in their votes upon the question whether they will accept the same; and if two-thirds of said votes given upon the question shall be in the affirmative, then this act shall be binding, otherwise it shall be null and void.

Subject to acceptance by voters at meeting to be called within one year.

SECTION 9. This act shall take effect upon its passage.

Approved April 25, 1872.

AN ACT RELATING TO THE COMPENSATION OF THE STATE LIQUOR COMMISSIONER AND ASSAYER.

Chap. 266

Be it enacted, &c., as follows:

SECTION 1. The commissioner for the purchase and sale of intoxicating liquors shall receive no salary from the treasury of the Commonwealth.

Commissioner to receive no salary from the state.

He shall receive his remuneration wholly from the profits accruing from the sales of liquors made by him, said remuneration not to exceed the sum of five thousand dollars per annum.

Remuneration from profits from sales.

All profits accruing from the sales of liquors by said commissioner, after deducting therefrom the sum of five thousand dollars as remuneration of the commissioner, and seven per cent. interest on the capital employed, said capital not to exceed the sum of sixty thousand dollars, and such necessary office and incidental expenses as shall be approved by the governor and council, shall be paid into the treasury of the Commonwealth, annually, on the fifteenth day of October.

Net profits to be paid into state treasury.

After the expiration of six months from the passage of this act, all liquor of foreign production kept or sold by said commissioner shall be imported by him or under his direction.

Liquors of foreign production to be imported by commissioner.

SECTION 2. So much of section twenty-five of chapter four hundred and fifteen of the acts of the year eighteen hundred and sixty-nine as provides that the inspector and assayer of liquors shall not analyze liquors for other parties than the Commonwealth, cities and towns, and that he shall receive an annual salary, are hereby repealed.

Repeal, 1869, 415, § 25.

SECTION 3. All liquors kept for sale by the commissioner to sell spirituous and intoxicating liquors, shall be analyzed by the inspector and assayer as now required by law, at an expense not exceeding one per cent. of the cost of the liquor, to be paid by the commissioner and added to said cost.

All liquors to be analyzed by assayer.

SECTION 4. All provisions of said act, and of acts in

Repeal.

addition thereto, inconsistent with the provisions of this act, are hereby repealed.

To take effect
July 1, 1872.

SECTION 5. This act shall take effect on the first day of July next.

Approved April 26, 1872.

Chap. 267

AN ACT TO CHANGE THE BOUNDARY BETWEEN BROOKLINE AND BOSTON, AND FOR SANITARY PURPOSES.

Be it enacted, &c., as follows :

Boundary line
changed be-
tween Brook-
line and Bos-
ton.

SECTION 1. The boundary line between the town of Brookline and the city of Boston is hereby changed and established as follows: *First*, beginning at the stone post in the present boundary line on the northerly side of Washington Street in Brookline, and running generally north-easterly in the centre of Muddy River about four hundred and fifty-five feet; thence north thirty-eight degrees east, parallel to the easterly side of Brookline Avenue, and eighty-five feet distant therefrom, eight hundred feet to a corner; thence turning a right angle to the west and running one hundred and forty-five feet to the north-westerly side of Brookline Avenue; thence north-easterly along the side of said avenue five hundred and fifty feet; thence north-westerly about eighty feet to the centre of Muddy River. *Second*, beginning in the centre of Muddy River at a point on the southerly side of Longwood Avenue bridge, and running south fifty-five minutes west six hundred and ten feet to the centre of said river. *Third*, beginning at the corner of the present boundary line in the centre of Charles River, and running easterly on the centre line of said river forty feet; thence southerly along the easterly side of Saint Mary's Street to Ivy Street; thence south-easterly along the easterly line of Saint Mary's Street extended, parallel to the present boundary line and forty feet distant therefrom, to the centre of Muddy River; thence south-westerly along said centre about forty-one feet to the present boundary corner. This third change is made by running a line parallel to and forty feet from, and easterly of the present boundary line between Charles River and Muddy River. The bearings herein given are the magnetic bearings. The new boundary line is laid down on a plan thereof made by George Tyler, civil engineer, and signed by the selectmen of Brookline, which is deposited in the office of the secretary of the Commonwealth.

Brookline and
Boston may
erect and main-
tain a dam with
tide gate across
Muddy River.

SECTION 2. The town of Brookline and the city of Boston may erect and maintain a dam, with a tide-gate therein, across Muddy River at its intersection with Brookline Avenue, in Boston, near the street now or formerly called Appleton Place, for the purpose of preventing the tide from

flowing up said river. If the city of Boston shall refuse or neglect, after thirty days' notice, to unite with the town of Brookline in erecting said dam and tide-gate, the town of Brookline may erect and maintain the same at its own expense.

SECTION 3. The town of Brookline and the city of Boston may divert the waters of Muddy River, above said dam, so as to make them flow in a more direct line to Charles River, through the lands of any person or corporation as they shall adjudge to be necessary for the public convenience or the public health. If the city of Boston shall refuse or neglect, after thirty days notice, to unite with the town of Brookline in diverting said waters, the town of Brookline may divert said waters where the same are exclusively within the limits of said town.

Waters of river may be diverted so as to flow in a more direct line to Charles River.

SECTION 4. In case said waters of Muddy River shall be diverted as aforesaid, the owners of lands bordering upon said river may fill up said lands and the ancient channel of Muddy River, to the borders of the new line of said river.

If waters are diverted, lands may be filled to new line of river.

SECTION 5. For any of the purposes of this act the land or real estate of any person or corporation may be taken, and the proceedings in erecting said dam and tide-gate, and in diverting Muddy River, shall be the same in all respects as in the laying out of town ways; and all persons or corporations suffering damage in their property by reason of the erection of said tide-gate and dam, or by the diversion of Muddy River, shall have the same rights and remedies for the ascertainment and recovery of the amount of such damages as in the case of laying out of town ways.

Proceedings before erecting dam to be same as in case of laying out town ways.

SECTION 6. The territory and the inhabitants thereon hereby set off from the city of Boston to the town of Brookline, shall be holden to pay all such taxes as are already assessed or ordered to be assessed by said city of Boston for the present year, in the same manner as if this act had not been passed; and all paupers who have gained a settlement in said city of Boston by a settlement gained or derived within said territory, shall be relieved or supported by said town of Brookline, in the same manner as if they had a legal settlement in said town of Brookline.

Taxes for the present year to be paid into treasury of Boston.

Paupers to be supported by Brookline.

SECTION 7. The inhabitants of the territory hereby set off to the town of Brookline shall continue to be a part of Boston for the purpose of electing state officers and members of the executive council, senators and representatives to the general court, representatives to congress, and electors of president and vice-president of the United States, until the next decennial census or until another apportionment

Election of state and national officers.

shall be made; and it shall be the duty of the selectmen of Brookline to make a true list of the persons residing on the territory hereby set off, qualified to vote at such elections, and post up the same in said territory, and correct the same as required by law, and deliver the same to the mayor and aldermen of the city of Boston seven days at least before any such election, and the same shall be taken and used by the mayor and aldermen of Boston for such election, in the same manner as if it had been prepared by themselves.

SECTION 8. This act shall take effect upon its passage.

Approved April 27, 1872.

Chap. 268 AN ACT RELATING TO THE SERVICE OF CIVIL PROCESS BY CONSTABLES.

Be it enacted, &c., as follows:

Constables may serve process now authorized to serve when damages are laid at more than \$200, but not more than \$300.

To give bond with sureties in not less than \$3,000.

SECTION 1. Any constable in any city or town, elected or appointed according to existing provisions of law, may, within said city or town, serve any writ or process, which constables are now authorized to serve, in any personal action, in which the damages are laid at a greater sum than two hundred dollars, but not exceeding three hundred dollars; and any process in replevin in which the subject matter does not exceed three hundred dollars in value: *provided*, that every such constable shall give a bond, with sureties, in a sum not less than three thousand dollars, with condition for the faithful performance of his duties, as now provided by law.

SECTION 2. This act shall take effect on and after the first day of July next.

Approved April 27, 1872.

Chap. 269 AN ACT TO ESTABLISH THE FIRST DISTRICT COURT OF NORTHERN MIDDLESEX.

Be it enacted, &c., as follows:

First district court of Northern Middlesex established.

SECTION 1. The towns of Ayer, Groton, Pepperell, Townsend, Ashby, Shirley, Westford, Littleton and Boxborough, shall constitute a judicial district, under the jurisdiction of the court hereby established, under the name of the First District Court of Northern Middlesex. Said court shall, except as is hereinafter provided, have the same jurisdiction, power and authority, shall perform the same duties, and be subject to the same regulations as are provided with respect to existing police courts, except the municipal courts of Boston and Worcester, by chapter one hundred and sixteen of the General Statutes and by all general laws passed in amendment thereof, applicable to the several police courts of the Commonwealth; and all provisions of law relating to

criminal and civil proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with county and town for money paid into court as forfeitures or otherwise, and all other returns and requirements of law applicable to the several police courts of the Commonwealth, except those before mentioned, shall apply to the first district court of northern Middlesex.

SECTION 2. Said district court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified pursuant to the constitution and laws.

One standing justice and two special justices.

SECTION 3. Either of the justices may issue warrants in all proper cases. No justice of the peace shall hereafter be allowed any fees for warrants issued within said district, and all warrants so issued shall be made returnable before said court.

Either justice may issue warrants.

SECTION 4. Said court shall be held in said Ayer, and for criminal business daily, at nine o'clock in the forenoon, except on Sundays and legal holidays, in some suitable place to be furnished by the county of Middlesex. Said court shall be held for civil business on the first Monday in each month.

Courts for criminal and civil business.

SECTION 5. The standing justice of said court shall receive an annual salary of one thousand dollars, to be paid from the treasury of the Commonwealth; the compensation of the special justices shall be determined and paid in the manner now provided by law for special justices of police courts.

Salary of justice.

Compensation of special justices.

SECTION 6. Said court shall also have concurrent jurisdiction with the superior court, in the county of Middlesex, in all personal actions, in which the debt or damages demanded, or property replevied, does not exceed in amount or value three hundred dollars, and on the return day of the writ either party may demand a trial by jury, in writing, which shall be granted by said court. If neither party demand a trial by jury, the right to have such trial shall be taken to be waived. The jury trial shall be in accordance with the provisions of chapter one hundred and thirty-two of the General Statutes, and the judgment of said court in all actions in which the title to real estate is not put in issue by the pleadings, shall be final, unless appeal is taken therefrom, or exceptions and appeals on matters of law are had, as hereinafter provided.

Jurisdiction of the court.

Trial by jury.

SECTION 7. In all cases in said court, except where a jury trial is had, or the value of the property replevied, or the amount claimed in the writ does not exceed the amount

Right of appeal.

Exceptions and appeals on matters of law when jury trial is had.

of fifty dollars, either party may appeal to the superior court, in the manner now provided by law for taking appeals from the judgment of justices of the peace; and in cases where a jury trial is had, exceptions and appeals on matters of law may be had to the supreme judicial court in the manner now provided by law for taking exceptions and appeals from the superior court to the supreme judicial court.

Jurors to be summoned from towns in the judicial district.

SECTION 8. When a jury shall become necessary for the trial of any action or proceeding in said district court under the provisions of this act, the justice of said district court is hereby authorized and required to issue writs of *venire facias*, directed to the sheriff of the county or either of his deputies, or a constable of any city or town in the district, for the summoning of jurors; and the jurors shall be summoned from the towns in the judicial district.

Proceedings commenced before trial justices, etc., to be there determined.

SECTION 9. All proceedings duly commenced before any trial justice or justice of the peace for said county, within said district, before this act shall take full effect, shall be prosecuted and determined as if this act had not been passed, and, except as herein provided, the jurisdiction of trial justices and justices of the peace shall be excluded within the judicial district created by this act.

Process not to run into or be served in any county other than Middlesex except as in G. S. 120, § 7, and 142, § 77.

SECTION 10. No writ or process issued by said district court in civil actions or proceedings, shall run into or be served in any county other than Middlesex County, except as provided in section seven of chapter one hundred and twenty, and in section seventy-seven of chapter one hundred and forty-two of the General Statutes. And in all civil actions in said court, wherein the writ or process is served upon the defendant in any county other than Middlesex County, except as above provided, if the plaintiff names a sum not exceeding twenty dollars, for debt or damages, he shall be entitled to no costs, except as provided in the following section; but the defendant shall recover the costs to which he would have been entitled had he been the prevailing party.

Costs if plaintiff's claim does not exceed \$20.

Costs if plaintiff's claim is established as exceeding \$20.

SECTION 11. If the plaintiff's claim in a writ served upon the defendant out of Middlesex County, as established on the trial, exceeds twenty dollars, and is reduced to that amount or less, or overbalanced by set-offs which could not have been proved in payment, it shall be considered, for the purposes of the preceding section as having exceeded twenty dollars, and the party who finally recovers judgment in the suit, shall be entitled to his costs.

SECTION 12. The justice of said district court may retain, for his own use, from the fees received in said court, all sums paid by him for the services of any special justice: *provided*, the sum so retained shall not, in any one year, exceed eight per centum of the annual salary of such justice; but no justice of said court shall receive any compensation besides his regular salary or allowances for making or issuing complaints, warrants, subpoenas or other process which he is by law authorized to issue, or for any service performed by him in the discharge of his official duties in said court.

Fees may be retained by justices for payment for services of special justices.
Proviso.

SECTION 13. This act shall take effect, so far as relates to the appointment, commissioning and qualifying the justices of said district court, upon its passage, and it shall take full effect upon the first day of July next.

When to take effect.

Approved April 27, 1872.

AN ACT CONCERNING ELECTIONS IN CITIES.

Chap. 270

Be it enacted, &c., as follows:

In all elections in cities in which a check-list is required by law to be used, the warden or other presiding officer of each ward, shall cause the check-list so used to be enclosed and sealed in an envelope in the same manner as the ballots cast at said election are now required by law to be secured; and the warden, clerk and a majority of the inspectors in each ward shall certify on such envelope to the identity of the check-list so enclosed: *provided*, that nothing in this act shall be construed to prevent the clerk of any city from furnishing a copy of a check-list after it has been used in any ward, upon the application of not less than ten legal voters resident therein; and immediately upon such copy being furnished, the check-list shall be again sealed up.

Check-lists used in elections in cities to be enclosed, sealed up, etc., as ballots are required to be secured.

Proviso.

Approved April 27, 1872.

AN ACT IN FURTHER ADDITION TO AN ACT CONCERNING THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS.

Chap. 271

Be it enacted, &c., as follows:

SECTION 1. Any dispensing druggist or apothecary who is authorized to sell spiritous or intoxicating liquors under the provisions of chapter three hundred and eighty-nine of the acts of the year eighteen hundred and seventy, shall keep a record of all his sales, with the name of the purchaser, which record shall be open to the inspection of the board from which he has received his certificate.

Apothecary authorized to sell liquors to keep record of sales.

SECTION 2. Any dispensing druggist or apothecary failing to comply with the provisions of this act shall forfeit his certificate, and it shall be the duty of the board granting the same to revoke it.

To forfeit certificate if he fails to comply.

Approved April 27, 1872.

Chap. 272 AN ACT TO AUTHORIZE THE SOCIETY FOR THE RELIEF OF WIDOWS AND ORPHANS OF DECEASED CLERGYMEN OF THE PROTESTANT EPISCOPAL CHURCH TO HOLD ADDITIONAL REAL AND PERSONAL ESTATE.

Be it enacted, &c., as follows:

\$50,000 additional real and personal estate.

SECTION 1. The Society for the Relief of the Widows and Orphans of Deceased Clergymen of the Protestant Episcopal Church, is hereby authorized to hold real and personal estate to the amount of fifty thousand dollars, in addition to the amount that said corporation is now authorized to hold.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1872.

Chap. 273 AN ACT TO AMEND AN ACT TO INCORPORATE THE HOLYOKE AND BELCHERTOWN RAILROAD COMPANY.

Be it enacted, &c., as follows:

Holyoke and Belchertown R. R. may cross Connecticut River R. R. at grade.

SECTION 1. The Holyoke and Belchertown Railroad Company may construct its railroad across the railroad of the Connecticut River Railroad Company, at a grade level therewith.

May connect with Mass. Central or New London Northern Railroads.

SECTION 2. Said Holyoke and Belchertown Railroad Company may connect its railroad with the Massachusetts Central Railroad, or the New London Northern Railroad, at some convenient point in the town of Amherst or Belchertown.

May enter upon or be united with other railroads.

SECTION 3. Said Holyoke and Belchertown Railroad Company may enter upon, unite with and use, and be entered upon, united with and used by, the Holyoke and Westfield Railroad Company, the Connecticut River Railroad Company, the New London Northern Railroad Company, and the Massachusetts Central Railroad Company, upon such terms, not inconsistent with their several charters or the laws of this Commonwealth, as a majority in value of the stockholders of said corporations, so uniting, may approve, at legal meetings to be called for that purpose; and all the provisions of the acts of incorporation of the corporations so uniting and becoming one corporation, shall apply to the corporation thereby created.

SECTION 4. This act shall take effect upon its passage.

Approved April 27, 1872.

Chap. 274 AN ACT RELATING TO CONTRACTS WITH THE OFFICERS OF CITIES.

Be it enacted, &c., as follows:

No member of the city council or other city official shall be interested in a private capacity

SECTION 1. No member of the city council of any city, or either branch thereof, or any officer chosen or appointed by the mayor, city council, or either branch thereof, or by the legal voters, shall be interested in a private capacity,

either directly or indirectly, in any contract or agreement for labor, or for any materials, goods, wares or merchandise furnished to such city, wherein said city is a party interested; nor shall either directly or indirectly for himself or any other person, receive any commission, discount, bonus, present or reward from the person or persons making such contract or agreement, or furnishing such materials, goods, wares and merchandise.

in any contract etc., wherein the city is an interested party.

SECTION 2. Whoever violates the provisions of this act, shall be punished by a fine of not less than fifty dollars nor more than one thousand dollars, or by fine and imprisonment not exceeding one year, at the discretion of the court.

Penalty for violation.

Approved April 29, 1872.

AN ACT TO PROVIDE FOR THE APPOINTMENT, AND TO DEFINE THE DUTIES OF UNDERTAKERS.

Chap. 275

Be it enacted, &c., as follows:

SECTION 1. The boards of health of towns and the mayor and aldermen of cities shall, on or before the first day of July next, and each year thereafter, license a suitable number of undertakers to take charge of the obsequies of funeral rites preliminary to the interment of a human body, if, in the judgment of such boards, a sufficient number are not already licensed in their respective places. Any undertaker, having such charge, shall forthwith obtain and return to the clerk of the city or town in which the deceased resided or the death occurred, the facts required by chapter twenty-one of the General Statutes, to be recorded by said officer concerning the deceased; the clerk shall thereupon give to the undertaker a certificate as provided for in section four of said chapter, which certificate the undertaker shall deliver to the person having charge of the interment in accordance with the provisions of said fourth section. Any undertaker violating any of the provisions of this act shall be punished by a fine of twenty dollars for each violation of the duties herein prescribed, to be imposed by any court of competent jurisdiction.

Undertakers to be licensed by board of health.

To make the returns required by G. S. 21.

To receive certificate from clerk and deliver it to person having charge of burial.

Penalty.

SECTION 2. Nothing herein contained shall exempt any sexton or other person named in the fourth section of the twenty-first chapter of the General Statutes from the provisions and penalties prescribed in said section in cases where an undertaker appointed as provided in this act is not employed in charge of the obsequies.

Sextons not exempted from G. S. 21, § 4, when undertaker is not in charge of obsequies.

SECTION 3. The secretary of the Commonwealth shall send a copy of this act to the clerks of the several cities and towns, within thirty days from its passage.

Secretary to send copy of act to city and town clerks.

Approved April 29, 1872.

Chap. 276 AN ACT TO REGULATE THE LIGHTING OF RAILROAD PASSENGER CARS.
Be it enacted, &c., as follows :

Railroad passenger cars not to be lighted with any substance which will ignite at less than 300 degrees Fahrenheit.

Penalty for violation.

Repeal of 1868, 286.

SECTION 1. No passenger cars on any railroad shall hereafter be lighted by naphtha, or by any illuminating oil or fluid, made in part of naphtha, or wholly or in part from coal or petroleum or other substance or material, which will ignite at a temperature of less than three hundred degrees Fahrenheit.

SECTION 2. Any railroad corporation violating the provisions of this act shall be liable to a fine not exceeding five hundred dollars, to be recovered to the use of the Commonwealth by indictment.

SECTION 3. Chapter two hundred and eighty-six of the acts of the year eighteen hundred and sixty-eight is hereby repealed.

Approved April 29, 1872.

Chap. 277 AN ACT TO ESTABLISH THE DISTRICT COURT OF EASTERN HAMPDEN.
Be it enacted, &c., as follows :

District court of Eastern Hampden established.

SECTION 1. The towns of Palmer, Brimfield, Monson, Holland, Wales and Wilbraham, shall constitute a judicial district, under the jurisdiction of the court hereby established, by the name of the District Court of Eastern Hampden. Said court shall, except as hereinafter provided, have the same jurisdiction, power and authority, shall perform the same duties and be subject to the same regulations as are provided with respect to existing police courts, except the municipal courts of Boston and Worcester, by chapter one hundred and sixteen of the General Statutes and by all general laws passed in amendment thereof applicable to the several police courts of the Commonwealth; and all provisions of law relating to criminal and civil proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with county and town for money paid into court as forfeitures or otherwise, and all other returns and requirements of law applicable to the several police courts of the Commonwealth, except those before mentioned, shall apply to the District Court of Eastern Hampden.

One standing justice and two special justices.

SECTION 2. Said district court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified, pursuant to the constitution and laws.

Either justice may issue warrants.

SECTION 3. Either of the justices may issue warrants in all proper cases. No justice of the peace shall hereafter be allowed any fees for warrants issued within said district, and all warrants so issued shall be made returnable before said court.

SECTION 4. Said court shall be held in Palmer, and for criminal business daily, at nine o'clock in the forenoon, except on Sundays and legal holidays, in some suitable place to be furnished by the county of Hampden. Said court shall be held for civil business on the first and third Saturdays of each month.

Courts for criminal and civil business.

SECTION 5. The standing justice of said court shall receive an annual salary of one thousand dollars; the compensation of the special justices shall be determined and paid in the manner now provided by law for special justices of police courts.

Salary of justice.
Compensation of special justices.

SECTION 6. Said court shall also have original concurrent jurisdiction with the superior court in the county of Hampden in all personal actions, in which the debt or damages demanded, or property replevied does not exceed in amount or value three hundred dollars, and on the return day of the writ either party may demand a trial by jury in writing, which shall be granted by said court. If neither party demand a trial by jury, the right to have such trial shall be taken to be waived. The jury trial shall be in accordance with the provisions of chapter one hundred and thirty-two of the General Statutes, and the judgment of said court in all actions in which the title to real estate is not put in issue by the pleadings, shall be final, unless appeal is taken therefrom, or exceptions and appeals on matters of law are had as hereinafter provided.

Jurisdiction of the court.

Trial by jury.

SECTION 7. In all cases in said court, except where a jury trial is had, or the value of the property replevied, or the amount claimed in the writ does not exceed the amount of fifty dollars, either party may appeal to the superior court, in the manner now provided by law for taking appeals from the judgment of justices of the peace; and in cases where a jury trial is had, exceptions and appeals on matters of law may be had to the supreme judicial court in the manner now provided by law for taking exceptions and appeals from the superior court to the supreme judicial court.

Right of appeal.

Exceptions and appeals upon matters of law when jury trial is had.

SECTION 8. Whenever a jury shall become necessary for the trial of any actions or proceedings in said district court under the provisions of this act, the justice of said district court is hereby authorized and required to issue writs of *venire facias*, directed to the sheriff of the county, or either of his deputies, or a constable of any city or town in the district for the summoning of jurors, and the jurors shall be summoned from the towns in the judicial district.

Jurors to be summoned from towns in the judicial district.

Proceedings commenced before trial justices to be there determined.

SECTION 9. All proceedings duly commenced before any trial justice or justice of the peace within said district, before this act shall take full effect, shall be prosecuted and determined as if this act had not been passed, and, except as herein provided, the jurisdiction of trial justices and justices of the peace shall be excluded within the judicial district created by this act.

Process not to run into or be served in any county other than Hampden, except as in G. S. 120, § 7, and 142, § 77.

SECTION 10. No writ or process issued by said district court in civil actions or proceedings shall run into or be served in any county other than Hampden County, except as provided in section seven of chapter one hundred and twenty, and in section seventy-seven of chapter one hundred and forty-two of the General Statutes. And in all civil actions in said court, wherein the writ or process is served upon the defendant in any county other than Hampden County, except as above provided, if the plaintiff names a sum not exceeding twenty dollars for debt or damages, he shall be entitled to no costs, except as provided in the following section, but the defendant shall recover the costs to which he would have been entitled had he been the prevailing party.

Costs if plaintiff's claim does not exceed \$20.

Costs if plaintiff's claim is established as exceeding \$20.

SECTION 11. If the plaintiff's claim in a writ served upon the defendant out of Hampden County as established on the trial exceeds twenty dollars and is reduced to that amount or less, or overbalanced by set-offs which could not have been proved in payment, it shall be considered for the purposes of the preceding section as having exceeded twenty dollars, and the party who finally recovers judgment in the suit shall be entitled to his costs.

Fees may be retained for payment for services of special justices. Proviso.

SECTION 12. The justice of said district court may retain for his own use from the fees received in said court all sums paid by him for the services of any special justice: *provided*, the sum so retained shall not in any one year exceed eight per centum of the annual salary of such justice; but no justice of said court shall receive any compensation besides his regular salary or allowance for making or issuing complaints, warrants, subpoenas or other process which he is by law authorized to issue, or for any service performed by him in the discharge of his official duties in said court.

When to take effect.

SECTION 13. This act shall take effect, so far as relates to the appointing, commissioning and qualifying the justices of said district court, upon its passage, and it shall take full effect on the first day of July next. *Approved April 29, 1872.*

**AN ACT TO AUTHORIZE GUARDIANS IN CERTAIN CASES TO SELL THE
REAL ESTATE OF THEIR WARDS AT PRIVATE SALE.**

Chap. 278

Be it enacted, &c., as follows:

SECTION 1. When it shall appear by the petition of a guardian for a license to sell the real estate of his ward, and upon the hearing thereon, that the right or interest of such ward in the estate or premises to be sold, is a fractional share or part thereof, or a right and interest in common with others therein, and that an advantageous offer has been previously made to the petitioner by any person for the purchase thereof, and that the interest of all parties concerned will be best promoted by an acceptance of such offer, the court having jurisdiction of such petition may authorize a sale and conveyance of such real estate, in accordance with such offer, at private sale, or upon such terms as may be adjudged best, with or without public notice; the person so licensed first giving bonds, and complying with all the provisions of the law, as in other cases of sales of real estate by guardians.

Guardians may be authorized by the court to sell real estate of ward at private sale in certain cases.

SECTION 2. Any person licensed to sell at private sale, as herein provided, may, notwithstanding, sell such real estate, if he deem it best so to do, at public auction, in the manner now provided by law, at any time within the term of his license, upon complying with all the requisitions of the law in such cases.

Guardian may sell estate at public auction.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1872.

**AN ACT TO FIX THE SALARIES OF THE JUSTICES OF THE SUPERIOR
COURT.**

Chap. 279

Be it enacted, &c., as follows:

SECTION 1. The chief justice of the superior court shall receive an annual salary of fifty-three hundred dollars, and each of the associate-justices of said court an annual salary of five thousand dollars, payable in the manner now provided by law.

Salaries established.

SECTION 2. This act shall take effect upon the first day of July next.

Approved April 29, 1872.

AN ACT IN RELATION TO THE SUPPORT OF PAUPERS IN NEWLY INCORPORATED TOWNS.

Chap. 280

Be it enacted, &c., as follows:

SECTION 1. Any new city or town which has been, or shall be incorporated, composed of a part of one or more incorporated places, shall be liable for the support of all persons who now do or hereafter shall stand in need of relief as paupers, and have or shall become chargeable to

Liability for support of paupers in newly incorporated towns composed of a part of one or more towns.

Proviso.

any of said incorporated places by force of chapter three hundred and ninety of the acts of eighteen hundred and seventy, and chapter three hundred and seventy-nine of the acts of eighteen hundred and seventy-one: *provided*, the person enlisted, at the time of such enlistment, dwelt and had his home in the territory embraced within the limits of such new city or town.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1872.

Chap. 281

AN ACT TO AMEND CHAPTER ONE HUNDRED AND TWENTY-FOUR OF THE GENERAL STATUTES, IN RELATION TO THE IMPRISONMENT OF POOR DEBTORS.

Be it enacted, &c., as follows:

Amendment to
G. S. 124, § 20.

SECTION 1. Section twenty of chapter one hundred and twenty-four of the General Statutes is hereby amended by striking out all after the word "debts" in said section and by inserting in place thereof the words "the charge of such misspending or misuse may be filed in the manner hereinafter provided for filing charges of fraud, and all provisions of this chapter in relation to charges of fraud shall apply equally to such charge of misspending or misuse."

Amendment to
G. S. 124, § 84.

SECTION 2. Section thirty-four of chapter one hundred and twenty-four of the General Statutes is hereby amended by adding the words: "*provided, however*, that the defendant or debtor, after the expiration of any sentence, may renew his application for the oath for the relief of poor debtors, as though he had not been found guilty and sentenced."

Provisions to
apply to cases
in which sen-
tence had been
passed at pas-
sage of this act.

SECTION 3. The provisions of the preceding section shall apply also to cases in which the sentence aforesaid had been passed at the time of the passage of this act.

SECTION 4. This act shall take effect upon its passage.

Approved April 29, 1872.

Chap. 282

AN ACT TO PUNISH OFFICERS OF PRISONS AND CHARITABLE INSTITUTIONS FOR BRIBERY AND OTHER OFFENCES.

Be it enacted, &c., as follows:

Officers of pub-
lic charitable
institution not
to be interested
in contracts,
etc., or receive
bribes.

SECTION 1. No officer connected with any prison, house of correction, lunatic hospital, or other public charitable institution, shall be concerned or interested, directly or indirectly, in any contract, purchase or sale, made on account of any of said institutions, or shall corruptly accept any bribe, present or gratuity from any person interested in such contracts.

No person to
give officers
bribes, etc.

SECTION 2. No person interested, directly or indirectly, in any contract connected with any prison or public char-

itable institution, shall corruptly give, offer or promise to any officer of such institutions any bribe, gift or gratuity.

SECTION 3. Any person convicted of a violation of the provisions of the preceding sections shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the state prison for a term not exceeding two years. Penalty for violation.

Approved April 29, 1872.

AN ACT TO AUTHORIZE THE TOWN OF FITCHBURG TO ISSUE ADDITIONAL WATER SCRIP.

Chap. 283

Be it enacted, &c., as follows :

SECTION 1. The town of Fitchburg may issue an additional amount of water scrip according to the provisions of section nine of chapter ninety-five of the acts of the year eighteen hundred and seventy, to an amount not exceeding one hundred thousand dollars for the purposes set forth in said act, and to provide for the payment of the same according to the provisions of law applicable to the water scrip already issued. Fitchburg may issue additional water scrip.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1872.

AN ACT TO INCORPORATE THE CAMPELLO, NORTH BRIDGEWATER AND HOLBROOK STREET RAILWAY COMPANY.

Chap. 284

Be it enacted, &c., as follows :

SECTION 1. Henry F. Payton, Christopher Dyer, junior, Edward Southworth, Jonas R. Perkins, Darius Littlefield Moses Bates, their associates and successors are hereby made a corporation under the name of the Campello North Bridgewater and Holbrook Street Railway Company, with authority to construct, maintain and use a street railway, for the transportation of passengers, with single or double tracks, commencing at or near the intersection of Main Street with the dividing line between West Bridgewater and North Bridgewater, thence running in a northerly direction on Main Street, through the villages of Campello and North Bridgewater, to or near the North End school-house, so called ; thence in a north-easterly direction, on a new street called William Street to Huntington Height, the distance thereof being about four miles ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws, which now are or hereafter may be in force relating to street railways. Corporators.
Name and purpose.
Route of road.
Powers and duties.

SECTION 2. The capital stock of said corporation shall not exceed one hundred thousand dollars. Capital stock.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1872.

Chap. 285 AN ACT TO INCORPORATE THE SOCIETY FOR THE PROMOTION OF COLLEGIATE AND THEOLOGICAL EDUCATION.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

Powers and duties.

To consist of not less than forty members, at least four-tenths to be laymen and four-tenths ministers of gospel.

May hold property for the endowment of theological institutions and for assistance to young men seeking an education.

Real and personal estate.

First meeting of corporation.

SECTION 1. Henry White, Ezra Farnsworth and Charles Ray Palmer, their associates and successors, are hereby made a corporation, by the name of the Society for the Promotion of Collegiate and Theological Education, for the purposes hereinafter set forth; and with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws, which now are or hereafter may be in force relating to such corporations.

SECTION 2. Said corporation shall consist of such number of members, not less than forty, as it may from time to time determine, and at least four-tenths thereof shall be laymen, and four-tenths ministers of the gospel. In case of any vacancy in said corporation, by death, resignation or otherwise, the same shall be filled by an election by the remaining members.

SECTION 3. Said corporation is authorized and empowered to receive, accept, take and hold, all such funds, estate or property, as may in any manner be given, conveyed, bequeathed or devised to it, and to invest the same in such manner as it may deem most expedient, and from time to time use and appropriate the same, and all income and profit thereof, as it shall deem expedient, for the endowment, assistance or establishment of collegiate, academic or theological institutions of learning, so long and in such way as in its judgment the exigencies of such institutions may demand; and also, if it shall deem it expedient, for the assistance of any young men seeking an education at any collegiate, academic or theological institution.

SECTION 4. Said corporation for the purposes aforesaid may hold real and personal estate to an amount, the annual income of which shall not exceed one hundred thousand dollars: *provided*, that the real and personal estate of said corporation shall not be exempt from taxation, by the general laws of the Commonwealth, to an amount exceeding two hundred thousand dollars.

SECTION 5. The first meeting of said corporation may be called by any two of said corporators by a notice of the time, place and purposes thereof, by them signed and sent by mail, seven days at least before such meeting, to each of the other corporators.

SECTION 6. This act shall take effect upon its passage.

Approved April 29, 1872.

AN ACT TO INCORPORATE THE UNIVERSALIST PUBLISHING HOUSE.

Chap. 286

Be it enacted, &c., as follows :

SECTION 1. Alonzo A. Miner, Newton Talbot, John D. W. Joy, Henry B. Metcalf, Henry D. Williams, Russell A. Ballou, their associates and successors, not exceeding at any one time twenty-one in number, are hereby made a corporation by the name of the Universalist Publishing House, to be established in Boston, for the purpose of printing, publishing, purchasing, selling and distributing books, newspapers, magazines and other periodicals; with all the powers and privileges, and subject to all the duties, restrictions and liabilities contained in all general laws applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold real and personal property necessary for conducting its business to an amount not exceeding two hundred thousand dollars in value.

Real and personal estate.

SECTION 3. Said corporation may accept and hold any gift, devise or bequest which may be made to it, for the purposes aforesaid; and the same, with the income and profits therefrom, and from the business of the corporation, shall be held and applied for such purposes.

May accept and hold gifts, bequests, etc.

SECTION 4. This act shall take effect upon its passage.

Approved April 30, 1872.

AN ACT IN RELATION TO THE TROY AND GREENFIELD RAILROAD.

Chap. 287

Be it enacted, &c., as follows :

SECTION 1. The governor and council may expend a sum not exceeding five thousand dollars in extending and improving the graduation of the Troy and Greenfield Railroad, and not exceeding twenty-five thousand dollars in the transportation of waste material from the tunnel for protecting and strengthening the embankments of said road east of the tunnel.

Graduation may be extended and improved, etc., by governor and council.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1872.

AN ACT TO FIX THE NUMBER OF PRINTED COPIES OF THE ANNUAL REPORT OF THE RAILROAD COMMISSIONERS.

Chap. 288

Be it enacted, &c., as follows :

SECTION 1. Thirty-five hundred copies of the annual report of the board of railroad commissioners and of the returns and abstracts of the railroad corporations shall hereafter be printed for the series of public documents, and three thousand copies of the report of the railroad commissioners shall be printed separately for distribution by said board.

Report of railroad commissioners, number of copies to be printed.

Repeal.

SECTION 2. So much of section two of chapter three hundred and seven of the acts of the year eighteen hundred and seventy as is inconsistent herewith is hereby repealed.

• Approved April 30, 1872.

Chap. 289

AN ACT TO ESTABLISH THE DISTRICT COURT OF EAST NORFOLK.

Be it enacted, &c., as follows:

District court
of East Norfolk
established.

SECTION 1. A court is hereby established under the name of the District Court of East Norfolk, and the towns of Randolph, Braintree, Cohasset, Weymouth, Quincy and Holbrook shall constitute a judicial district under the jurisdiction of said court.

Said court shall, except as is hereinafter provided, have the same jurisdiction, power and authority, shall perform the same duties and be subject to the same regulations as are provided in respect to existing police courts, except the municipal courts of Boston and Worcester, by chapter one hundred and sixteen of the General Statutes and by all general laws passed in amendment thereof applicable to the several police courts of the Commonwealth; and all provisions of law relating to criminal and civil proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with county and town for money paid into court as forfeitures or otherwise, and all other returns and requirements of law applicable to the several police courts of the Commonwealth, except those before mentioned, shall apply to the District Court of East Norfolk.

One standing
justice and two
special justices.

SECTION 2. There shall be appointed, commissioned and qualified, agreeably to the constitution, one justice and two special justices of said district court, and one of said special justices shall be appointed, commissioned and qualified as first special justice, and as vacancies occur they shall be filled by appointment in the same manner. The justice of said court shall receive an annual salary of fifteen hundred dollars, and at the same rate for any part of a year, to be paid monthly from the treasury of the Commonwealth, which shall be in full for all service rendered by him as justice of said court or otherwise, *ex officio*. The first special justice shall officiate in case of the absence or other inability or disability of said justice, or when two or more separate sessions shall be held at the same time, or when there is a vacancy in the office of justice, and in case of the absence, inability or disability of the justice or the first special justice, the second special justice may upon request officiate. The special justices shall be paid by the justice

Salary of justice.

six dollars for each day on which they may hold a session of said court. Compensation of special justices.

SECTION 3. Two or more sessions of said court may be held at the same time, and in such case the justice may retain to his own use from the fees received in said court all sums paid by him to the special justice holding one of said sessions. Two or more sessions may be held at same time.

SECTION 4. A clerk of said court shall be appointed and commissioned by the governor for the term of five years, and shall receive for annual salary and clerk hire the sum of five hundred dollars, to be paid monthly from the treasury of the Commonwealth, and shall faithfully perform all services required by law of the clerks of like courts in the Commonwealth, and shall give bond in the sum of five thousand dollars for the faithful performance of the duties of his office. Clerk to be appointed by governor. Salary. To give bond.

SECTION 5. Either of the justices of said court may issue warrants in all proper cases. No justice of the peace shall hereafter be allowed any fees for warrants issued within said district, and all warrants issued shall be made returnable before said court, and no justice of said court shall receive any compensation besides his regular salary, or allowances for making or issuing, in any capacity, complaints, warrants, subpoenas, or other process which he is by law authorized to issue, or for any service performed by him in the discharge of his official duties in said court. Either justice may issue warrants.

SECTION 6. Said court shall be held for criminal business daily, except on Sundays and legal holidays, in some suitable place in Quincy to be furnished by the county of Norfolk, at nine o'clock in the forenoon, and in the afternoon whenever it appears expedient to the justice thereof. Court for criminal business.

The court shall be held for civil business weekly; each term shall commence on Monday, and actions therein may be continued to any future day fixed for the sitting of the court; and the court may adjourn for the trial of any case, civil or criminal, to any place in said district, whenever the public convenience may seem to the justice thereof to render such adjournment expedient. Court for civil business.

SECTION 7. The justice and clerk shall not be retained or employed as counsel or attorney in any writs, complaints or proceedings returnable to or pending in said court, nor in any suit which has been examined or tried therein, nor shall the special justices be retained or employed as aforesaid in any matter tried before them in said district court. Justice and clerk not to be retained in case-pending, etc., in this court.

Jurisdiction of court.

SECTION 8. Said court shall have original concurrent jurisdiction with the superior court in the county of Norfolk, in all civil actions and proceedings in which the debt or damages demanded or property replevied does not exceed in amount or value three hundred dollars, and the jurisdiction of said court shall, when the plaintiff and defendant both reside in the district, exclude the jurisdiction of municipal and police courts, justices of the peace, and other district courts: *provided*, that where there are two or more plaintiffs or defendants, or one or more trustees, the jurisdiction of the court shall not be exclusive unless all the parties reside in the district.

When one of several defendants resides within district, writ may run into any county.

SECTION 9. When one of several defendants resides within the district, the writ issued by said court may run into any county, and be served on the other defendant or defendants, fourteen days, at least, before its return day, in like manner as if issued by the superior court.

Either party may demand trial by jury.

SECTION 10. On the return day of the writ either party may demand a trial by jury in writing, which shall be granted by said court. If neither party demand a trial by jury, the right to have such trial shall be taken to be waived. The jury trial shall be in accordance with the provisions of chapter one hundred and thirty-two of the General Statutes, and the judgment of said court in all actions in which the title to real estate is not put in issue by the pleadings, shall be final, unless appeal is taken therefrom, or exceptions and appeals on matters of law are had, as hereinafter provided.

Costs if plaintiff does not recover more than \$20.

And in all civil actions in said court, wherein the writ or process is served upon the defendant in any county other than Norfolk County, except as above provided, if the plaintiff recovers a sum not exceeding twenty dollars for debt and damages, he shall be entitled to no costs, except as provided in the following section, but the defendant shall recover the costs to which he would have been entitled had he been the prevailing party.

Costs if plaintiff's claim is established as exceeding \$20.

SECTION 11. If the plaintiff's claim in a writ served upon the defendant out of Norfolk County, as established on the trial, exceeds twenty dollars, and is reduced to that amount or less, or overbalanced by set-offs which could not have been proved in payment, it shall be considered for the purposes of the preceding section as having exceeded twenty dollars, and the party who finally recovers judgment in the suit shall be entitled to his costs.

Right of appeal.

SECTION 12. In all cases in said court, except where a trial by jury is had, or the value of the property replevied, or the amount claimed in the writ does not exceed fifty dol-

lars, either party may appeal to the superior court in the manner now provided by law for taking appeals from the judgment of justices of the peace; and in cases where a jury trial is had, exceptions and appeals on matters of law may be had to the supreme judicial court in the manner now provided by law for taking exceptions and appeals from the superior court to the supreme judicial court.

Exceptions and appeals upon matters of law where jury trial is had.

SECTION 13. Whenever a jury shall become necessary for the trial of any action or proceeding in said district court under the provisions of this act, the justice of said district court is hereby authorized and required to issue writs of *venire facias*, directed to the sheriff of the county, or either of his deputies, or a constable of any city or town in the district for the summoning of jurors, and the jurors shall be summoned from the towns in the judicial district.

Jurors to be summoned from towns in the district.

SECTION 14. All proceedings duly commenced before any trial justice or justice of the peace for said county within said district, before this act shall take full effect, shall be prosecuted and determined as if this act had not been passed, and, except as herein provided, the jurisdiction of trial justices and justices of the peace shall be excluded within the judicial district established by this act.

Proceedings commenced before trial justices to be there determined.

SECTION 15. When no justice of said district court is present at the time and place appointed for holding a court, whether at the beginning of the time or any adjournment thereof, the sheriff of the county or either of his deputies may adjourn the court from day to day, or from time to time, as circumstances require, or as ordered by any of the justices, and shall give notice of such adjournments by making public proclamation in the room where said court is held, and by a notification posted on the door of the court room. In such case, any justice may, by a written order, require the sheriff or his deputy to adjourn the court without day, or to the time expressed in the order, and the officer shall adjourn the court accordingly, by public proclamation in the room within which said court is held.

When no justice is present, sheriff may adjourn the court from day to day, etc.

SECTION 16. Sections seven, eight, nine, eleven, twelve, twenty-six, forty and seventy-eight of chapter one hundred and twenty-nine of the General Statutes, shall apply to civil actions before said court.

Provisions of G. S. 129, §§ 7, 8, 9, 11, 12, 26, 40, 78, to apply.

SECTION 17. Said court shall have power to establish a seal, issue all writs and processes, appoint all officers necessary for the transaction of the business of the court, and may from time to time make rules for regulating the practice and conducting the business therein in all cases not expressly provided for by law.

Court may establish seal and appoint all necessary officers.

When to take effect.

SECTION 18. This act shall take effect, so far as appointing, commissioning and qualifying the justice and special justices of said court are concerned, on the first day of May next, and shall take full effect on the first day of June next.

Approved April 30, 1872.

Chap. 290 AN ACT FOR AMENDING AN ACT FOR ENCOURAGING THE CULTIVATION OF USEFUL FISHES.

Be it enacted, &c., as follows:

Amendment to 1869, 384, § 31.

SECTION 1. Section thirty-one of chapter three hundred and eighty-four of the acts of the year eighteen hundred and sixty-nine is hereby amended by striking out the words "while fishing for herrings and alewives" and inserting the following: "during the time and in the manner a person may lawfully fish for herrings or alewives."

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1872.

Chap. 291 AN ACT TO INCORPORATE THE PEOPLE'S CLUB, OF WORCESTER.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

Powers and duties.

Real and personal estate.

Liability to taxation.

SECTION 1. George E. Francis, William T. Brown and Samuel S. Green, their associates and successors, are hereby made a corporation by the name of the People's Club in the city of Worcester, for the purposes of supplying gratuitously to all who need them facilities for instruction and of promoting other benevolent objects; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding fifty thousand dollars.

SECTION 3. The estate of the said corporation shall not be exempt from taxation if any part of its income or profits is divided among the stockholders, or if any portion of such estate is used or appropriated for other than literary, benevolent, scientific, educational, charitable or religious purposes.

SECTION 4. This act shall take effect upon its passage.

Approved May 1, 1872.

Chap. 292 AN ACT TO AUTHORIZE THE CITY OF NEW BEDFORD TO ISSUE ADDITIONAL WATER BONDS.

Be it enacted, &c., as follows:

May issue additional water bonds, not exceeding \$100,000.

SECTION 1. The city of New Bedford may, for the purposes mentioned in the eleventh section of chapter one hundred and sixty-three of the acts of the year eighteen hundred and sixty-three, issue bonds to an amount not exceeding one hundred thousand dollars, in addition to the amount

therein authorized to be issued, upon like terms and conditions, and with like powers in all respects as are provided in said act for the issue of bonds of said city.

SECTION 2. This act shall take effect upon its passage.

Approved May 2, 1872.

AN ACT IN RELATION TO THE DUTIES OF OFFICERS OF SAVINGS BANKS
IN MAKING LOANS.

Chap. 293

Be it enacted, &c., as follows:

SECTION 1. No savings bank or any person whatsoever acting in its behalf or in its interest, shall negotiate, take or receive any fee, brokerage, commission, gift or other consideration, for or on account of any loan made by or on behalf of such bank or for the benefit thereof, either to his own use or to the use of such bank, other than shall appear on the face of the note or contract upon which such loan shall purport to be made: *provided*, that nothing herein contained shall apply to any expenses of examining titles and making conveyances upon loans made by savings banks.

Savings bank, etc., not to take commission on account of a loan made by the bank.

SECTION 2. No officer or officers of a savings bank having money to loan shall refuse to consider an application for a loan because it is presented by, or comes directly from the party applying for the same; and if such application for a loan is rejected when there is sufficient money in the treasury to meet it, and the security offered is ample, and the same is afterward favorably considered on application by or through a broker or third party, such officer violating any provision of this act shall be deemed ineligible to fill any position of honor or trust in any savings bank.

Officer not to refuse to consider application for loan because it is presented by the party applying for it.

SECTION 3. All applications for loans shall be made in writing, through the secretary or in his absence through the treasurer of the bank, and the secretary, or in his absence the treasurer, shall keep a record of such applications, showing the date, name of applicant, the amount asked for, and the security offered, and such officer receiving an application shall cause the same to be presented to the board of investment. Only one of the active officers of a savings bank, meaning the president, secretary and treasurer, shall at the same time be a member of the board of investment.

Penalty.

Applications for loans to be made in writing through the secretary.

Record to be kept.

SECTION 4. The savings bank commissioner, when examining the books of said bank, shall ascertain if there has been any violation of the provisions of this act; and any such violation not complained of as provided in the foregoing section, he shall cause to be prosecuted, and the whole amount of said fine to be paid into the treasury of the Commonwealth.

Bank commissioner to ascertain if provisions have been violated.

Penalty.

Complaint to
be made within
one year.

SECTION 5. Any person violating the provisions of this act shall be liable to a fine not less than twice the amount so illegally taken or received, to be recovered on complaint before any court of competent jurisdiction: *provided*, the same is made within one year of the time when such loan was made.

SECTION 6. This act shall take effect upon its passage.

Approved May 2, 1872.

Chap. 294

AN ACT TO AUTHORIZE THE COUNTY COMMISSIONERS OF HAMPDEN COUNTY TO TAKE LAND FOR COURT-HOUSE PURPOSES.

Be it enacted, &c., as follows:

Commissioners
of Hampden
county may
take land for a
court house.

SECTION 1. The county commissioners of the county of Hampden may purchase or otherwise take any parcel or parcels of land, not exceeding one-fourth of an acre in extent, in the city of Springfield and adjoining lands owned by said county, to enlarge the area of land taken or purchased for court-house purposes.

To file descrip-
tion of land
taken.

SECTION 2. The said commissioners shall, within sixty days after such taking, file for record in the registry of deeds for said county a description of the land so taken; and the title to the same shall thereupon vest in said county.

Damages.

SECTION 3. All damages occasioned by the taking of land under this act, may be determined in the same manner as is now provided by law in case of land taken for highways.

May borrow
not exceeding
\$40,000.

SECTION 4. For the purpose of carrying out the provisions of this act the said commissioners may borrow, on the credit of said county, a sum not exceeding forty thousand dollars.

SECTION 5. This act shall take effect upon its passage.

Approved May 2, 1872.

Chap. 295

AN ACT TO AUTHORIZE THE CONSTRUCTION OF A HIGHWAY AND RAILWAY BRIDGE OVER TAUNTON GREAT RIVER, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Old Colony &
Newport Rail-
way Company
may construct
bridge over
Taunton Great
River.

SECTION 1. The Old Colony and Newport Railway Company may construct a bridge across Taunton Great River, from some point near Slade's ferry in Fall River, to some point near Slade's ferry in Somerset; and said bridge shall be adapted to both highway and railway purposes, and in the construction thereof said company shall be subject to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six; and said bridge shall be provided with such a draw, not exceeding sixty feet wide, as the harbor commissioners may direct. The board of railroad commissioners

Subject to ap-
proval by rail-
road commis-
sioners.

shall approve the plans for said bridge before work thereon is commenced, and said bridge shall be constructed to their approval. The supreme judicial court, upon the application of said company, or of any ten citizens of the county of Bristol, shall appoint three special commissioners, who shall assess from time to time, as the work progresses, one-fourth part of the equitable cost of said bridge upon the county of Bristol, the same to be paid to said company, and upon the completion of said bridge that portion thereof adapted to highway purposes shall thereupon become a public road and highway.

One-fourth of cost of bridge to be assessed upon the county of Bristol.

SECTION 2. Said corporation may locate, construct and maintain a railroad, from its railroad in Fall River, over said bridge and thence to its railroad in Somerset or Dighton; and the Fall River, Warren and Providence Railroad Company may extend its railroad from some convenient point thereof in the town of Somerset to the westerly end of said bridge; and there enter upon, connect with and use the railroad of the Old Colony and Newport Railway Company, subject to the provisions of the general laws relating to connecting railroads: *provided*, that the Fall River, Warren and Providence Railroad Company may elect, instead of making the connection provided for in this section, within the time limited by this act for making said extension, to purchase one-third part of the interest of the Old Colony and Newport Railway Company in said bridge, at the cost thereof, and to extend its railroad to some convenient point in the city of Fall River, and purchase or otherwise take land for depot purposes. In case of the purchase of an interest in said bridge, the use and control thereof, in default of the agreement of the parties, shall be regulated by the railroad commissioners.

O. C. and N. Railway may construct road from Fall River over bridge to Somerset or Dighton. Fall River, Warren and Providence R. R. may extend road, etc.

Proviso.

SECTION 3. After due public notice and hearing of all parties in interest, the commissioners, appointed under the provisions of section one, shall proceed to determine and award what cities and towns in said county (if any) receive particular and special benefit from the construction of such bridge; and to apportion and assess upon said county and such cities and towns, and in such manner and proportion as they shall deem equitable and just, the one-fourth part of the cost of said bridge to be paid by said county; and thereafter the county commissioners of said county shall apportion and assess upon said county and the cities and towns therein, the expense to the county, under the provisions hereof. The cost of maintaining that portion of said bridge (excluding the main framework thereof) to be used as a

Commissioners to determine what towns receive benefit from construction of bridge, and apportion cost of building.

County commissioners to apportion cost

of maintaining
bridge.

highway, and one-fourth of the cost of maintaining the substructure and main framework of said bridge, and of operating the draw thereof, shall be borne by the cities and towns in said county in such proportions as shall be determined by the county commissioners after due notice and hearing thereon. Neither said county nor any city or town therein shall be liable for damages occasioned by the negligence of any railroad company using said bridge, and no such railroad company shall be liable for damages occasioned by the negligence of said county or any city or town therein.

Capital stock of
railroad may be
increased.

SECTION 4. To provide means for the purposes of this act, the Fall River, Warren and Providence Railroad Company may increase its capital stock by the amount of one thousand shares, and the Old Colony and Newport Railway Company may increase its capital stock by the amount of two thousand shares. The county commissioners for said county of Bristol may borrow, from time to time, such sums of money as may be necessary to comply with the provisions of this act, and the cities and towns of said county may, from time to time, borrow or raise by taxation such sums of money as may be necessary to comply with the provisions of this act.

County com-
missioners of
Bristol may
borrow money
or raise it by
taxation.

Slade's ferry
may be discon-
tinued when
construction of
bridge is com-
menced.

SECTION 5. The proprietors of Slade's ferry, when the construction of said bridge is commenced, under the provisions of this act, shall be under no legal obligation to continue and maintain a ferry at that place.

New Bedford
and Taunton
R. R. may take
land for addi-
tional tracks.

SECTION 6. For the purpose of building an additional track and side tracks, the New Bedford and Taunton Railroad Corporation may take additional land between the depot of the Taunton Branch Railroad Corporation and Weir Junction, not exceeding five rods in width, including the land now covered by the location of said New Bedford and Taunton Railroad Corporation.

Commissioners
to be appointed
by S.J.C., when
bridge is open-
ed for use.

SECTION 7. At any time after the bridge herein before mentioned has been completed and opened for use by the Old Colony and Newport Railway Company, a board of three commissioners shall, upon the application of the city of Taunton, and public notice thereof given, be appointed by the supreme judicial court; and said commissioners shall have power to require said Old Colony and Newport Railway Company to remove a section of the present bridge across Taunton Great River, so as to furnish a passage-way in the channel of said river not less than one hundred feet wide, unless in the judgment of a majority of said commissioners the greater public convenience and necessity requires the continued maintenance and use of said bridge. And if

May require O.
C. & N. R. R.
to remove sec-
tion of present
bridge.

said commissioners shall decide to order the removal of a section of said bridge, as above, said Old Colony and Newport Railway Company shall remove the same within one year from the date of the decision of said commissioners.

SECTION 8. The time within which the railroads hereby authorized to be built may be located and constructed is limited to two years from the passage hereof, and the provisions relative to the issue of new stock by the Fall River, Warren and Providence Railroad Company and the Old Colony and Newport Railway Company shall be void, so far as the power to issue said stock is not exercised within two years from the passage hereof.

Railroad to be located and constructed within two years.

New stock to be issued within two years.

SECTION 9. This act shall take effect upon its passage.

Approved May 2, 1872.

AN ACT TO INCORPORATE THE BOSTON ASSOCIATION OF SPIRITUALISTS.

Chap. 296

Be it enacted, &c., as follows :

SECTION 1. Phineas E. Gay, Daniel Farrar, Charles E. Jenkins, Moses A. Dow, Francis A. Sawyer, Henry F. Gardner, Eben W. Keyes, George W. Smith, Moses T. Dole, their associates and successors, are hereby made a corporation by the name of the Boston Association of Spiritualists, to be located in Boston, for the purpose of disseminating information in regard to the doctrines of Spiritualism ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate to the amount of three hundred and fifty thousand dollars, which property, after the same has been paid for, and the net income thereof, shall be appropriated exclusively for the purposes in this act specified.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved May 2, 1872.

AN ACT TO CHANGE THE NAME OF THE ASSOCIATION FOR THE RELIEF OF AGED INDIGENT FEMALES, AND TO INCREASE ITS AUTHORITY TO HOLD PROPERTY.

Chap. 297

Be it enacted, &c., as follows :

SECTION 1. The corporation now called the Association for the Relief of Aged Indigent Females shall be hereafter called and known as the Home for Aged Women, and any gift, devise or bequest made or which shall hereafter be made to the said corporation by its old name, shall enure to its benefit in like manner as it would have done, had its name not been changed.

Name changed.

SECTION 2. The said corporation may take and hold real

Real and personal estate.

and personal estate to an amount not exceeding one hundred and seventy-five thousand dollars, in addition to the amounts which it is now allowed to take and hold under chapter one hundred and sixty-two of the acts of the year eighteen hundred and forty-nine, and chapter fifty-eight of the acts of the year eighteen hundred and fifty-eight.

SECTION 3. This act shall take effect upon its passage.

Approved May 2, 1872.

Chap. 298 AN ACT PROVIDING MILEAGE FOR TROOPS ATTENDING ANNUAL ENCAMPMENTS.

Be it enacted, &c., as follows:

Allowance of two cents a mile for travel in excess of twenty-five miles, to and from places of encampment.

SECTION 1. There shall be allowed and paid to each officer and enlisted man in the militia, obliged by law to travel to an annual encampment, two cents a mile each way: *provided*, the distance travelled is in excess of twenty-five miles from the place of encampment; the returns to be made and transmitted, and the sums to be computed and paid in accordance with the provisions of sections one hundred and twenty-eight, one hundred and twenty-nine, one hundred and thirty-one and one hundred and forty-six of chapter two hundred and nineteen of the acts of the year eighteen hundred and sixty-six.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1872.

Chap. 299 AN ACT TO PROVIDE FOR THE PREVENTION AND ABATEMENT OF NUISANCES, AND THE PRESERVATION OF THE PUBLIC HEALTH, IN THE CITIES OF CAMBRIDGE AND SOMERVILLE.

Be it enacted, &c., as follows:

Grade of not less than thirteen feet above mean low water may be established.

Cellars, etc., not to be below grade.

SECTION 1. The respective boards of mayor and aldermen of the cities of Cambridge and Somerville may, with reference to a complete drainage, establish a grade in their respective cities, not less than thirteen feet above mean low water; and no person shall, in the city where such grade is established, construct any cellar or basement cellar of any dwelling-house or other building below such grade, or use or occupy any such cellar constructed below the same after such establishment, unless licensed to construct and use a cellar below such grade by the board of mayor and aldermen of the city in which the same is situated.

Penalty for violation.

SECTION 2. If any person constructs, uses or occupies any cellar in violation of section one of this act, the board of mayor and aldermen of the place where the same is situated, may order the owner or occupant of such cellar to so alter and construct it as to conform to the requirements of said section; and if such owner or occupant fails to com-

ply with such order within ten days after service thereof, as provided by the following section, said board may so alter such cellar; and all necessary expenses incurred thereby shall constitute a lien upon the land wherein such cellar is constructed and the buildings upon such land, and may be collected, and the city collector may purchase such land or land and buildings in behalf of said city; all as is provided by law for the collection of taxes upon real estate, and in case of land sold for taxes. X

SECTION 3. All orders under the preceding section shall be made in writing and served upon said owners or occupants, or their authorized agents, as prescribed by section nine of chapter twenty-six of the General Statutes for the service of orders of boards of health; and the supreme judicial court or any justice thereof, in term time or vacation, may by injunction or other suitable process in equity, restrain any person or corporation from constructing, using or occupying any cellar in violation of the provisions of section one of this act, and may enforce such provisions, and may order and enforce the abatement or alteration of any cellar constructed, used or occupied in violation thereof, so as to comply with said provisions. Orders to be made in writing.

SECTION 4. The boards of mayor and aldermen of said cities, respectively, may from time to time order the owners of lands in their city, the surface of which is below thirteen feet above mean low water, or any of such owners, to raise the grade of their said lands, filling up the same with good materials, to a grade not less than thirteen feet above mean low water, and to raise the grade of all private streets, courts and ways upon their said lands, filling up the same with good materials to a grade not less than sixteen feet above mean low water, with reference to a complete drainage thereof, so as to abate and prevent nuisances, and to preserve the public health of the city. S. J. C. may restrain by injunction, etc.

SECTION 5. All orders under the preceding section shall be made and served as prescribed in section three of this act, and if the owner of any such lands fails to comply with any such order within six months after such service thereof, the board of mayor and aldermen of the city wherein the same is situated, may raise the grade of his said lands, and the private streets, ways and courts thereon, filling up the same with good materials to the grade authorized by the preceding section and specified in the order; and all necessary expenses incurred thereby shall constitute a lien upon the lands filled, and a lien equally upon the lands abutting upon either side of any private street, court or way filled, Owners may be ordered to fill up lands to grade of not less than thirteen feet, and of private ways thereon to sixteen feet.

If owner fails to comply, city may raise grade.

Expenses to constitute a lien upon the land. X

and a lien upon all buildings upon such lands, and may be collected, and the city collector may purchase such lands or lands and buildings in behalf of the city; all as is provided in section two of this act for collecting the expenses therein named.

Parties dissatisfied with assessment may make complaint to county commissioners.

SECTION 6. Any person entitled to any estate in any land the grade of which shall be raised under the preceding section who is dissatisfied with the assessment of the expense of raising the grade of his land, and any owner of land who is dissatisfied with the assessment of expenses under section two of this act, may within six months after receiving notice of such assessment, make complaint to the county commissioners of the county of Middlesex. Said commissioners shall thereupon order a jury who may revise such assessment, in the manner prescribed in chapter forty-three of the General Statutes, in cases where persons are aggrieved by the assessment of damages by selectmen. If the assessment is reduced, the legal charges arising on such complaint shall be paid by the city, otherwise by the complainant.

City to take land, if notified that parties are dissatisfied with assessment.

SECTION 7. Instead of making such complaint, any person dissatisfied with the assessment of the expense of raising the grade of his said land, may give notice thereof to the mayor and aldermen of the city wherein the land is situated, within sixty days after he receives notice of such assessment, and the city shall thereupon take said land, and shall within sixty days thereafter file in the office of the registry of deeds for the southern district of the county of Middlesex, a description of the land so taken, as certain as is required in a common conveyance of land, together with a statement that the same is taken pursuant to the provisions of this act, which description and statement shall be signed by the mayor of the city, and the title to lands so taken shall vest absolutely in the city.

If amount of damage is agreed upon, money to be paid forthwith.

SECTION 8. If any person whose land is taken under the preceding section, agrees with the city upon the damage done to him by such taking, making due allowance for the improvement in raising the grade of such land, the same shall be forthwith paid to him by the city. If any such person shall not so agree, he may at any time within six months from the filing of such description and statement, apply to the county commissioners, as provided in section six of this act, for a jury to determine the damage so done him, making due allowance for the improvement by raising the grade of such land, and the proceedings shall be as provided in said section. The damages awarded by the jury shall be paid by the city, and if the damages are increased above the

sum before offered by the city, all legal charges arising on such application shall be paid by the city, otherwise by the applicant.

SECTION 9. The city shall raise the grade of all public streets bordering upon any lands, the grade of which is ordered to be raised under this act, filling up such streets with good materials, to a grade not less than sixteen feet above mean low water.

Public ways bordering upon lands raised, to be filled to sixteen feet grade.

SECTION 10. Nothing in this act contained shall be construed as authorizing any filling of the flats upon the banks of Charles River, nor to authorize the filling of any portion of the channel, flats or basins of Miller's River lying southerly of Milk Street and of the Fitchburg Railroad Company's road-bed, or either of them, in Somerville, and below the streets known as Medford Street in Somerville, and Gore Street in Cambridge.

Filling of flats not authorized.

SECTION 11. This act shall not be construed as in any way exempting the cities of Cambridge and Somerville from any obligation either of them would otherwise be under to make compensation to the owners of lands abutting upon or near to any land or street filled hereunder, or for any injury done or caused to the lands of such owners under any order or proceeding hereunder.

Cities not exempted from certain obligations.

Approved May 8, 1872.

AN ACT TO DIVIDE THE COMMONWEALTH INTO DISTRICTS FOR THE CHOICE OF REPRESENTATIVES IN THE CONGRESS OF THE UNITED STATES.

Chap. 300

Be it enacted, &c., as follows:

SECTION 1. For the purpose of electing representatives in the forty-third congress of the United States, and in each subsequent congress, until otherwise provided by law, the Commonwealth shall be divided into eleven districts, each of which shall elect one representative, being an inhabitant of the same, in the manner now provided by law.

Eleven congressional districts.

SECTION 2. The said eleven districts shall be as follows, to wit:—The several towns in the counties of Barnstable, Dukes and Nantucket, together with the cities of New Bedford and Fall River, and the towns of Acushnet, Dartmouth, Fairhaven, Freetown, Somerset, Swansey and Westport, in the county of Bristol; and the towns of Carver, Duxbury, Halifax, Kingston, Lakeville, Marion, Marshfield, Mattapoisett, Middleborough, Pembroke, Plymouth, Plympton, Rochester and Wareham, in the county of Plymouth, shall form one district, and be called District Number One.

District number one.

The towns of Attleborough, Berkley, Dighton, Easton, Mansfield, Norton, Raynham, Rehoboth and Seekonk, and the city of Taunton, in the county of Bristol; and the

District number two.

towns of Abington, Bridgewater, East Bridgewater, Hanover, Hanson, Hingham, Hull, North Bridgewater, Scituate, South Scituate and West Bridgewater, in the county of Plymouth; and the towns of Braintree, Canton, Cohasset, Foxborough, Holbrook, Hyde Park, Milton, Norfolk, Quincy, Randolph, Sharon, Stoughton, Walpole, Weymouth and Wrentham, in the county of Norfolk, shall form one district, and be called District Number Two.

District number
three.

The wards numbered seven, eight, ten, eleven, twelve, thirteen, fourteen, fifteen and sixteen, in the city of Boston, in the county of Suffolk, shall form one district, and be called District Number Three.

District number
four.

The wards numbered one, two, three, four, five, six and nine, in the city of Boston; the city of Chelsea, and the towns of Winthrop and Revere, in the county of Suffolk, shall form one district, and be called District Number Four.

District number
five.

The city of Lynn and the towns of Nahant, Saugus and Swampscott, in the county of Essex; and the cities of Charlestown and Somerville, and the towns of Arlington, Belmont, Burlington, Everett, Lexington, Malden, Medford, Melrose, Stoneham, Wakefield, Waltham, Winchester and Woburn, in the county of Middlesex, shall form one district, and be called District Number Five.

District number
six.

The cities of Haverhill, Newburyport and Salem, and the towns of Amesbury, Beverly, Boxford, Bradford, Danvers, Essex, Georgetown, Gloucester, Groveland, Hamilton, Ipswich, Lynnfield, Manchester, Marblehead, Middleton, Newbury, North Andover, Peabody, Rockport, Rowley, Salisbury, Topsfield, Wenham and West Newbury, in the county of Essex, shall form one district, and be called District Number Six.

District number
seven.

The city of Lawrence, and the towns of Andover and Methuen, in the county of Essex; and the city of Lowell, and the towns of Acton, Ashby, Ayer, Bedford, Billerica, Boxborough, Carlisle, Chelmsford, Concord, Dracut, Dunstable, Groton, Hudson, Lincoln, Littleton, Marlborough, Maynard, North Reading, Pepperell, Reading, Shirley, Stow, Sudbury, Tewksbury, Townsend, Tyngsborough, Westford and Wilmington, in the county of Middlesex; and the towns of Berlin, Bolton, Harvard, and Lancaster, in the county of Worcester, shall form one district, and be called District Number Seven.

District number
eight.

The city of Cambridge, and the towns of Ashland, Brighton, Framingham, Holliston, Hopkinton, Natick, Newton, Sherborn, Watertown, Wayland and Weston, in the county of Middlesex; and the towns of Milford and South-

borough, in the county of Worcester; and the towns of Brookline, Dedham, Dover, Franklin, Medfield, Medway, Needham, Norwood and West Roxbury, in the county of Norfolk, shall form one district, and be called District Number Eight.

The city of Worcester, and the towns of Auburn, Barre, Blackstone, Boylston, Brookfield, Charlton, Douglas, Dudley, Grafton, Hardwick, Holden, Hubbardston, Leicester, Mendon, Millbury, New Braintree, Northborough, Northbridge, North Brookfield, Oakham, Oxford, Paxton, Princeton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Warren, Webster, Westborough, West Boylston and West Brookfield, in the county of Worcester; and the town of Bellingham, in the county of Norfolk, shall form one district, and be called District Number Nine. District number nine.

All the towns in Franklin County, and all the towns in Hampshire County, together with the towns of Ashburnham, Athol, Clinton, Dana, Fitchburg, Gardner, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Sterling, Templeton, Westminster and Winchendon in the county of Worcester; and the town of Holyoke in the county of Hampden, shall form one district, and be called District Number Ten. District number ten.

All the towns in Berkshire County, the city of Springfield and the towns of Agawam, Blandford, Brimfield, Chester, Chicopee, Granville, Holland, Longmeadow, Ludlow, Monson, Montgomery, Palmer, Russell, Southwick, Tolland, Wales, Westfield, West Springfield and Wilbraham, in the county of Hampden, shall form one district, and be called District Number Eleven. District number eleven.

SECTION 3. This act shall take effect upon its passage. And all acts inconsistent with this act are hereby repealed.

Approved May 8, 1872.

AN ACT IN RELATION TO THE IMPRISONMENT OF PERSONS CONVICTED OF THE CRIME OF DRUNKENNESS. Chap. 301

Be it enacted, &c., as follows:

Whoever is convicted of the crime of drunkenness for the first offence, under the provisions of section twenty-five of chapter one hundred and sixty-five of the General Statutes, and becomes liable to imprisonment for non-payment of the fine and costs imposed, may be committed to the workhouse, if any, in the town or city where the offence was committed. Commitment to workhouse for non-payment of fine and costs, for first offence of drunkenness.

Approved May 8, 1872.

Chap. 302 AN ACT IN RELATION TO THE TENURE OF OFFICE OF THE COMMISSIONERS ON INLAND FISHERIES.

Be it enacted, &c., as follows :

Removable by
governor.

The members of the board of commissioners on inland fisheries shall be removable at the pleasure of the governor.

Approved May 3, 1872.

Chap. 303

AN ACT IN RELATION TO SIDEWALKS IN CITIES.

Be it enacted, &c., as follows :

Sidewalks may
be constructed
in cities and
portion of ex-
pense assessed
upon abutters.

SECTION 1. The board of mayor and aldermen in any city may grade and construct sidewalks, and complete any partially constructed sidewalk in any street of such city, as the public convenience may require, with or without edge stones, as said board shall deem expedient, and may cover the same with brick, flat stones, concrete, gravel or other appropriate material, and may assess upon the abutters on such sidewalks, in just proportions, not exceeding one-half of the expense of the same; but all assessments so made shall constitute a lien upon the abutting land, and be collected in the same manner as taxes on real estate are now collected, and such sidewalks, when constructed, with edge stones and covered with brick, flat stones or concrete, shall afterwards be maintained at the expense of such city. When any such sidewalk shall be permanently constructed with edge stones, and covered with brick, flat stones or concrete, as aforesaid, there shall be deducted from the assessment therefor, any sum which shall have been previously assessed upon the abutting premises, and paid to the city for the expense of the construction of the same in any other manner than with edge stones and with brick, flat stones or concrete as aforesaid; and such deduction shall be made *pro rata*, and in just proportions from the assessments upon different abutters, who, at the time of such assessments are owners of the estate which at the time of such former assessments was the estate of the abutters who had previously paid such former assessments.

Damages.

SECTION 2. In estimating the damage sustained by any party by the construction of sidewalks as aforesaid, there shall be allowed, by way of set-off, the benefit, if any, to the property of the party by reason thereof.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Subject to ac-
ceptance by
city.

SECTION 4. This act shall not take effect in any city unless accepted by the city council thereof.

Approved May 3, 1872.

AN ACT IN RELATION TO FORFEITED LIQUORS.

Chap. 304

Be it enacted, &c., as follows:

SECTION 1. Any liquor forfeited under the provisions of section fifty-one of chapter four hundred and fifteen of the acts of the year eighteen hundred and sixty-nine, shall, by the authority of the written order of the justice or court, be delivered to the commissioner provided for in section one of said chapter. Said commissioner shall cause such liquor to be assayed, and if found suitable for medicinal, chemical or mechanical purposes, shall sell the same, and pay over the net proceeds to the treasurer of the Commonwealth. Any liquor which shall be unsuitable for use as aforesaid, but which in the judgment of the assayer shall contain sufficient per cent. of alcohol to warrant re-distillation, shall be re-distilled, under the direction of the commissioner, and the net proceeds of the sale of the alcohol so obtained shall be disposed of as above. Any liquor which shall be unsuitable either for use as aforesaid, or for re-distillation, shall be destroyed by said commissioner.

Liquor forfeited under 1869, 415 § 51, to be delivered to commissioner.

If unsuitable for use, to be destroyed.

SECTION 2. Any forfeited liquor in possession of city and town agents shall, on the passage of this act, be turned over to the state commissioner, to be by him disposed of as provided for in section one.

To be turned over to commissioner by agents.

SECTION 3. Section fifty-two of said chapter is hereby repealed.

Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved May 3, 1872.

AN ACT IN RELATION TO THE BOUNTY OF THE HOUSATONIC AGRICULTURAL SOCIETY.

Chap. 305

Be it enacted, &c., as follows:

SECTION 1. The rights of the Housatonic Agricultural Society to receive the bounty of the state, payable in the month of October next, shall be the same as if the certificate and returns required by law to be made and filed by said society, in the office of the secretary of the board of agriculture, on or before the tenth day of December last, had been made and filed in due time.

May receive the bounty of the state.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1872.

AN ACT TO MAKE UNIFORM THE TAXATION OF RESERVOIRS.

Chap. 306

Be it enacted, &c., as follows:

SECTION 1. All reservoirs of water, with the dams connected therewith and the lands under the same, used to maintain a uniform supply of water for mill-power, shall be assessed for the purposes of taxation in the town or towns

Reservoirs, dams, etc., to be taxed where located.

where located, at a valuation not exceeding a fair valuation of land of like quality in the immediate vicinity.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1872.

Chap. 307 AN ACT TO FIX THE SALARY OF THE ASSISTANT-CLERK OF THE COURTS OF THE COUNTY OF ESSEX.

Be it enacted, &c., as follows:

Salary of \$2,100.

From and after the first day of April, in the year one thousand eight hundred and seventy-two, the assistant-clerk of the courts of the county of Essex shall receive an annual salary of twenty-one hundred dollars.

Approved May 3, 1872.

Chap. 308 AN ACT IN RELATION TO THE GIVING OF RECEIPTS FOR FREIGHT BY RAILROAD CORPORATIONS.

Be it enacted, &c., as follows:

Receipts to be given to shippers if commodities are not extra hazardous for transportation, under penalty.

SECTION 1. When any person delivers to a railroad company any commodity not extra hazardous in its character for transportation, such company shall give to the shipper thereof, if demanded at the time of the delivery of such commodity, a receipt for the same, describing such commodity, or the marks and numbers on packages so received for transportation, and no additional charge shall be made in consideration of giving such receipt. Any railroad company refusing to give a receipt as herein provided, shall pay to the person entitled to the same, the sum of fifty dollars, which may be recovered in an action of tort.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1872.

Chap. 309 AN ACT TO AMEND AN ACT SO AS TO PROVIDE FOR THE ACQUISITION OF TITLE BY THE UNITED STATES OF LANDS FOR THE PURPOSES OF LIFE-SAVING STATIONS.

Be it enacted, &c., as follows:

Amendment to 1871, 233, § 1.

SECTION 1. Section one of chapter two hundred and thirty-three of the acts of the year eighteen hundred and seventy-one, is hereby amended by inserting after the word "erecting" the words "life-saving stations."

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1872.

Chap. 310 AN ACT IN RELATION TO THE ASSESSMENT OF TAXES IN FIRE DISTRICTS.

Be it enacted, &c., as follows:

Amendment to G. S. 11, § 51.

Section fifty-one of chapter eleven of the General Statutes is hereby amended, by inserting the words "fire district" after the word "society" in the second line, and also by inserting the same words after the word "society" in the fifth line.

Approved May 3, 1872.

AN ACT IN RELATION TO THE ADOPTION OF CHILDREN.

*Chap. 311**Be it enacted, &c., as follows :*

SECTION 1. Section two of chapter three hundred and ten of the acts of the year eighteen hundred and seventy-one is hereby amended by adding the words, "and a giving up of the child in writing for the purpose of adoption to any charitable institution incorporated by law, shall operate as a consent to any adoption subsequently approved by such institution." Section three of the same chapter is hereby amended by striking out the words, "provided the visiting agent of the board of state charities shall in writing consent to such adoption."

Amendments to act concerning the adoption of children. 1871, 310, §§ 2, 3.

SECTION 2. Section four of the same chapter is hereby amended by striking out all after the word "dead," in the first line, and substituting therefor the words, "due notice of such petition shall be given to the guardian, if any, and to the next of kin in this state, and in all cases where such child is supported by any charitable institution incorporated by law or as a pauper by any city or town, or by the state, due notice of said petition shall be given to the visiting agent of the board of state charities."

Amendment to 1871, 310, § 4.

SECTION 3. Section five of the same chapter is hereby amended by adding the words, "provided, that nothing in this act contained shall be construed to require notice to the father of an illegitimate child, or any other parent whose consent is dispensed with by section three."

Amendment to 1871, 310, § 5.

Approved May 8, 1872.

AN ACT TO AUTHORIZE THE CITY OF BOSTON TO ABATE A NUISANCE EXISTING THEREIN, AND FOR THE PRESERVATION OF THE PUBLIC HEALTH IN SAID CITY.

*Chap. 312**Be it enacted, &c., as follows :*

SECTION 1. The city of Boston may purchase or otherwise take the lands, or any of them, in said city, not within the limits of the Boston and Providence Railroad, as shown on the plan of their location, dated December thirtieth, in the year eighteen hundred and seventy-one, and filed with the city of Boston, which are below the grade of eighteen feet above mean low-water, and all estates any part of which is below said grade, with the buildings and other fixtures on the land so purchased or taken, situated and lying within the district which is bounded on the north-east by Ruggles Street, on the south-east by Tremont Street, on the south-west by Prentiss Street, and on the north-west by Parker Street. Said city shall, within sixty days from the time it shall take any of said lands, file in the office of the registry of deeds for the county of Suffolk a description of the lands so taken,

Boston may take lands for the abatement of a nuisance.

To file in registry of deeds description of lands taken.

To raise the
grade, etc.

If damage is
not agreed up-
on, owner may
apply for a jury.

Compensation
to owners of
abutting lands.

Railway tracks
may be laid
through streets.

Lands to be
taken within
three years.

as certain as is required in a common conveyance of lands, and a statement that the same are taken pursuant to the provisions of this act, which description and statement shall be signed by the mayor of said city; and the title to all lands so taken shall vest in the city of Boston; and if any party whose land is so taken, shall agree with the said city upon the damage done to him by the said taking, the same shall be paid to him by the said city forthwith. And it shall be the duty of the city of Boston to raise the grade of said territory so purchased or taken, laying out and filling up the same with good materials, with reference to a complete drainage thereof, so as to abate the present nuisance and to preserve the health of the city.

SECTION 2. Any person whose land or estate therein is taken and who shall fail to agree with the said city as provided in the preceding section, may apply for a jury, in the same manner and subject to the same provisions of law as if said land or estate therein had been taken for a street or highway. It shall be the duty of said jury to exclude in their estimate of damages any value which may be added to said land or estate therein by reason of the passage of this act or any doings under it.

SECTION 3. Nothing in this act shall be construed as exempting the city of Boston from any obligation it would otherwise be under, to make compensation to the owners of lands abutting on or near to the territory described in the first section of this act, for any injury it may do to such lands, in any acts of raising, filling or draining said territory or any part thereof.

SECTION 4. The city of Boston is hereby authorized to lay railway tracks through any street or streets of said city, and to maintain them so long as may be necessary, to enable it to transport earth and other material to fill up the district aforesaid under the provisions of this act.

SECTION 5. All lands taken under this act shall be taken within three years from the passage thereof.

SECTION 6. This act shall take effect upon its passage.

Approved May 3, 1872.

Chap. 313

AN ACT IN ADDITION TO AN ACT REGULATING RAILROAD CROSSINGS
AT GRADE.

Be it enacted, &c., as follows:

Amendment to
G. S. 63, § 93.

Section ninety-three of chapter sixty-three of the General Statutes is hereby amended by inserting after the word "crossing," in the fifth line thereof, the following words, "but not until signalled so to do, in accordance with a sys-

tem of signals, which shall be established by the corporations operating such railroads, and approved by the board of railroad commissioners.”

Approved May 3, 1872.

AN ACT IN RELATION TO THE TRIAL OF COMPLAINTS OF FORCIBLE ENTRY AND DETAINER IN DISTRICT COURTS.

Chap. 314

Be it enacted, &c., as follows:

SECTION 1. All actions and proceedings hereafter commenced before any district court, under and by virtue of chapter one hundred and thirty-seven of the General Statutes, or any act or acts in amendment thereto, shall be heard and determined by one of the justices of said court, subject to the right of appeal to the superior court, as provided in said chapter.

Actions hereafter commenced before district courts, under G. S. 137, etc., subject to right of appeal to superior court.

SECTION 2. This act shall take effect upon its passage.

Approved May 3, 1872.

AN ACT TO AMEND THE ACT TO ESTABLISH THE FIRST DISTRICT COURT OF SOUTHERN WORCESTER.

Chap. 315

Be it enacted, &c., as follows:

Section seven of chapter three hundred and ninety-one of the acts of the year eighteen hundred and seventy-one is hereby amended by striking out from the third line thereof the words “judgment of the court,” and inserting in place thereof the words “amount claimed in the writ.”

Amendment to 1871, 391, § 7.

Approved May 3, 1872.

AN ACT TO INCORPORATE THE UNION FOR GOOD WORKS, IN NEW BEDFORD.

Chap. 316

Be it enacted, &c., as follows:

SECTION 1. Samuel Griffiths Morgan, Charles B. H. Fessenden, Hiram Van Campen, James M. Lawton, Emily H. Bourne, Amelia H. Jones, Ivory H. Bartlett, junior, William J. Potter, Henry H. Forbes, Alanson Borden, their associates and successors, are hereby made a corporation in New Bedford, by the name of the Union for Good Works; for the purpose of promoting religious, educational and charitable objects; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate not exceeding one hundred thousand dollars in value, for the purposes aforesaid.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved May 3, 1872.

Chap. 317 AN ACT IN RELATION TO THE RECOGNIZANCES OF PERSONS CONVICTED UNDER THE ACT CONCERNING THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS.

Be it enacted, &c, as follows :

Amendment to
1869, 415, § 59.

SECTION 1. Section fifty-nine of chapter four hundred and fifteen of the acts of the year eighteen hundred and sixty-nine, is hereby amended by striking out the word "shall" after the word "prescribed," and inserting instead thereof the words "may for the first offence, and for any subsequent offence after the first, shall," and also by striking out the words "one thousand" and inserting "one hundred," and by adding after the word "dollars," the words "with sufficient sureties": *provided*, that nothing herein contained shall affect any prosecution now pending.

Prosecutions
now pending
not affected.

SECTION 2. This act shall take effect on the first day of July next.

Approved May 4, 1872.

Chap. 318 AN ACT TO EXTEND AND AMEND CHAPTER ONE HUNDRED AND FIFTY OF THE GENERAL STATUTES, RELATING TO LIENS UPON BUILDINGS AND LAND.

Be it enacted, &c., as follows :

Provisions of
G. S. 150, ex-
tended.

SECTION 1. The provisions of chapter one hundred and fifty of the General Statutes are hereby so far extended, that when the agreement mentioned in the first section of said chapter was for labor performed or furnished; and for materials furnished upon an entire contract and for an entire price, the lien provided therein shall attach, to secure payment for the labor performed or furnished; provided it can be distinctly shown what such labor is worth. But in no case shall such lien be enforced for a sum greater than the price agreed upon for the entire contract.

Statement to
set forth entire
price for entire
contract etc.

SECTION 2. The statement required by section five of said chapter, shall set forth in addition to its present provisions, the entire price for the entire contract, the number of days of labor performed or furnished, and the value of the same.

Notice to be
given in writ-
ing.

SECTION 3. The notice required to be given by section two of said chapter shall hereafter be given in writing.

Approved May 4, 1872.

Chap. 319 AN ACT TO PREVENT THE SALE OR EXCHANGE OF ADULTERATED MILK.

Be it enacted, &c, as follows :

Penalties for
selling adulter-
ated milk.

SECTION 1. Whoever sells or exchanges, or has in his possession with intent to sell or exchange, or offers for sale or exchange, adulterated milk, or milk to which water or any foreign substance has been added, shall for the first offence be punished by a fine of not less than twenty nor

more than one hundred dollars; and for any subsequent offence by a fine not less than fifty, nor more than three hundred dollars.

SECTION 2. Whoever sells or exchanges, or has in his possession with intent to sell or exchange, or offers for sale or exchange, as pure milk, any milk from which the cream or any part thereof has been removed, shall be liable to the penalties provided in the preceding section.

Penalties for selling milk from which the cream has been removed.

SECTION 3. Whoever knowingly sells or exchanges, or has in his possession with intent to sell or exchange, or offers for sale or exchange, adulterated milk, or milk to which water or any foreign substance has been added, shall for the first offence be punished by a fine of not less than fifty nor more than three hundred dollars, and for any subsequent offence by a fine not less than one hundred dollars and imprisonment in the house of correction not less than thirty nor more than ninety days.

Penalties for knowingly selling adulterated milk.

SECTION 4. Violations of this act may be prosecuted by complaint or indictment before any court of competent jurisdiction, and one-half of any fine paid, shall go to the complainant.

Prosecutions by complaint or indictment.

SECTION 5. All acts and parts of acts inconsistent herewith, are hereby repealed, but such repeal shall not affect any prosecutions now pending.

Repeal.

SECTION 6. This act shall take effect upon its passage.

Approved May 4, 1872.

AN ACT IN RELATION TO THE IMPROVEMENT OF THE COMMONWEALTH'S FLATS IN BOSTON HARBOR.

Chap. 320

Be it enacted, &c., as follows:

SECTION 1. The board of harbor commissioners, with the approval of the governor and a majority of the council, may contract for the construction, on a parcel of South Boston flats, situated at the junction of Fort Point channel and the main channel, in Boston harbor, and adjoining the flats of the Boston Wharf Company and the flats sold by the Commonwealth to the Boston and Albany Railroad Company,— of sea-walls upon said channels, substantially on the lines shown on the plan for the occupation of the Commonwealth's flats in South Boston, appended to the sixth annual report of said board to the legislature, and contract for the filling of said parcel within said walls with solid material; and said board of harbor commissioners shall have, in relation to said parcel, and the improvement of the same, all the powers conferred upon them by chapter three hundred and twenty-six of the acts of the year eighteen hundred and

Sea-walls upon certain channels in Boston harbor may be constructed by harbor commissioners with approval of governor and council.

sixty-eight, and in addition may pay in cash for the improvement of said parcel, as authorized by law, and they shall be subject to all the provisions of said act not inconsistent herewith; and said board is further authorized to procure the discharge of all there may be on said parcel for taxes: *provided*, that all plans and contracts for the improvement of said parcel shall be subject to the approval of the governor and a majority of the council.

Wharves may be constructed by authority of commissioners, with approval of the governor and council.

SECTION 2. The board of harbor commissioners may authorize, subject to the approval of the governor and a majority of the council, and to the provisions of section four of chapter one hundred and forty-nine of the acts of the year eighteen hundred and sixty-six, and of chapter four hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine, and on such other terms as may be considered just, the construction of wharves and docks at the junction of the main channel and Fort Point channel, on the north-westerly side of the channel last named, within the outer general line of a scheme of wharves and docks shown on said plan, for the occupation of the Commonwealth's flats in South Boston, appended to the sixth annual report of said board, notwithstanding any existing harbor line heretofore established at said place.

Appropriation of \$400,000.

SECTION 3. There shall be allowed and paid out of the treasury a sum not exceeding four hundred thousand dollars, to be expended for the purposes authorized in the first section of this act, and the same is hereby appropriated.

Sums paid under this act to be deducted from net proceeds of sales in section one of flats referred to in 1868, 326, § 4, and residue to be paid into sinking funds.

SECTION 4. From the net proceeds of the sales of all lands and flats contained in section one of the South Boston flats referred to in the fourth section of chapter three hundred and twenty-six of the acts of the year eighteen hundred and sixty-eight, all sums paid under this act, and all sums paid in the improvement of the same, with interest thereon, shall be first deducted, and the residue shall be paid into the sinking funds established by chapter three hundred and thirteen of the acts of the year eighteen hundred and sixty-four, and chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-five.

State scrip may be issued not exceeding \$400,000.

SECTION 5. For the purposes of this act, the treasurer and receiver-general may issue scrip or certificates of debt, in the name and on the behalf of the state and under his signature and the seal of the Commonwealth, to an amount not exceeding four hundred thousand dollars, for a term not less than five years, nor more than twenty years: *provided, however*, that scrip issued for a longer term than five years shall be redeemable at any time after the expiration of five years, at the option of the state. Said scrip or certificates

Proviso.

of debt, shall be issued as registered bonds, or with interest coupons attached, and shall bear interest not exceeding six per cent., payable in the lawful money of the United States, semi-annually, on the first days of March and September of each year. Such scrip or certificates of debt shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified, in the lawful money of the United States, and shall be sold and disposed of at public auction, or in such other mode, and at such times and in such prices and amounts, as the governor and a majority of the council shall deem for the best interest of the state.

SECTION 6. This act shall take effect upon its passage.

Approved May 4, 1872.

AN ACT TO PROVIDE FOR THE COLLECTION OF TAXES UPON BANK SHARES. *Chap. 321*

Be it enacted, &c., as follows:

SECTION 1. It shall be the duty of the cashier of every national banking association established within this Commonwealth, to make and deliver to the assessors of the city or town in which such association or bank is located, on or before the tenth day of May in each year, a list, verified by the oath of such cashier, showing the name of each shareholder, with his residence, and the number of shares belonging to him on the first day of said May, as the same then appeared on the books of the bank.

Cashier to furnish list of shareholders to assessors of town where bank is located.

SECTION 2. Immediately upon obtaining such list the assessors of each city or town in which any such bank is located shall transmit to the tax commissioner a statement, which shall include a true copy of such list, and also an estimate of the fair cash value of the shares of said bank on the said first day of May, and of the value of the real estate owned by said bank on said first day of May, as assessed by them, as assessors of said city or town.

Assessors to transmit to tax commissioner copy of list with estimate value of shares.

SECTION 3. It shall be the duty of the tax commissioner to transmit, on or before the first day of July in each year, to the assessors of each city or town, where any person named as a shareholder in any of said banks is stated in any of said statements to reside, or where any corporation named as a shareholder in any of said banks is stated in any of said statements to be located, a copy of such statement so containing the names of such persons or corporations.

Tax commissioner to transmit statement to assessors where shareholders reside, or where bank is located.

SECTION 4. The assessors of each city and town where any persons or corporations so named as a shareholder in any of such banks resides or is located as aforesaid, shall, if the personal property of such person or corporation be not ex-

Assessors to assess shares, less proportionate part of value of real estate belonging to bank.

Savings banks
not to be taxed
for shares in
national banks.

Shares held by
non-residents
to be taxed
where bank is
located.

Shareholder to
notify cashier
of place of res-
idence.

To be deemed
resident where
bank is located,
upon failure to
notify.

Assessors
where bank is
located to be
notified, if
shareholders
are not resi-
dents as de-
scribed in state-
ment.

empted from taxation by virtue of the fifth section of the eleventh chapter of the General Statutes, assess the shares in such banks of such persons or corporations, at the estimated value thereof as given in said statement, less the proportionate part of the value of the real estate belonging to such bank, as given in said statement, but not at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens and subject to taxation in said city or town ; but no savings bank or institution for savings, incorporated under the laws of this Commonwealth, including the Mercantile Savings Institution in the city of Boston, otherwise taxed under the laws of this Commonwealth, shall be taxed for its investments in the shares of national banks within this Commonwealth.

SECTION 5. All shares in said banks held by non-residents of the Commonwealth shall be assessed in the cities or towns where such banks are located, at the estimated value thereof as given in said statement, less the proportionate part of the value of the real estate belonging to such bank as given in said statement; but not at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens and subject to taxation in said city or town.

SECTION 6. It shall be the duty of every shareholder in any of said banks, whether person or corporation, to give notice to the cashier of the bank in which such person or corporation owns shares, before the first day of May, in each year, a true statement of the place of residence of such person or of location of such corporation, and keep such clerk so notified until the first day of May, in each year ; and any such shareholder neglecting or refusing to give to the cashier of the banks in which such person or corporation owns shares, before the first day of May, in each year, a true statement of the city or town where such shareholder resides or is located, shall, for the purposes of taxation on said shares, be deemed to be an inhabitant of, or located in the city or town where such bank is located ; but such person or corporation shall not be exempt from the payment of a tax legally assessed upon said shares in the city or town where such person or corporation resides or is located.

SECTION 7. If the assessors of any city or town shall find, that any of the persons or corporations mentioned in any of said statements, so sent to them as above provided, as shareholders in any of such banks, and therein stated to be resident or located in said city or town, are not resident or located therein, said assessors shall, on or before the first day of August, in each year, notify, in writing, the assessors of

the city or town where said bank is located, of the fact; and said assessors of the city or town where said bank is located, shall assess said shareholders, if not exempted as herein before mentioned, at the rate of taxation of such city or town.

SECTION 8. Any cashier of any of said banks or assessor of any city or town, neglecting to comply with the provisions of this act, shall be liable to a penalty of five hundred dollars, to be recovered to the use of the Commonwealth, in an action of tort.

Penalty for neglect.

SECTION 9. Any tax so assessed shall constitute a lien upon the shares in respect to which such assessment is made from the first day of May of the year in which the tax is laid until the same shall be paid; and said taxes may be collected, in accordance with the provisions of law for the seizure and sale of shares in the capital stock of corporations existing under authority of this Commonwealth for the non-payment of taxes.

Tax to constitute a lien upon shares.

SECTION 10. In case of such neglect on the part of any cashier of any such bank to make the lists herein before required, the assessors of the city or town where such bank is located, shall, forthwith, upon such failure, proceed to obtain a list of shareholders of such bank, in all respects like the list required of said cashier.

Assessors to obtain list of shareholders if cashier neglects.

SECTION 11. Chapter three hundred and ninety of the acts of the year eighteen hundred and seventy-one is hereby repealed; but this repeal shall not revive any acts by said act repealed, or defeat any rights which have already accrued.

Repeal of 1871, 390.

SECTION 12. It shall be the duty of the assessors of each city or town, upon request of any person resident in such city or town, who is the owner of any shares in such banks or other corporations which, under the provisions of the tenth and thirteenth divisions of section five of chapter eleven of the General Statutes would be entitled to exemption from taxation, to give such owner a certificate setting forth such fact, and it shall be the duty of the treasurer of such city or town, upon request therefor and the deposit with him of such certificate, to pay over to such owner the amount so collected in respect of such shares, under the provisions of chapter three hundred and ninety of the acts of the year eighteen hundred and seventy-one.

Assessors to give certificates of shares exempt from taxation under tenth and thirteenth divisions of G. S. 11, § 5.

SECTION 13. Assessors of any city or town in which any national bank or banking association is located, for the purpose of ascertaining the rate at which taxes shall be assessed, shall omit from the valuation upon which the rate is to be based, the value of all shares held by non-residents of this state; and no tax of any city or town shall be invalidated by

Value of shares held by non-residents to be omitted from valuation upon which rate of assessment is based.

Assessors to return to state treasurer assessment of shares of non-residents within ten days after assessment.

Collections to be paid to state treasurer on first Monday in December.

List required under first section and notice under sixth section, to be made the present year on or before June 1, 1872.

reason of any excess of the amount thereof over the amount to be raised in consequence of the provisions of this act.

SECTION 14. It shall be the duty of the assessors to make return to the state treasurer, of the assessment of the shares of non-residents of this state in each bank in their respective cities and towns, within ten days after the assessment of the same; and it shall be the duty of the collector of each city or town to use his best endeavors to collect the taxes so assessed. The treasurer of each town or city shall, on or before the first Monday in December of each year, pay over to the state treasurer the amount of such tax so collected, less the cost of assessing and collecting the same. And the state treasurer may offset amounts due and payable by any city or town to the state, under this act, against amounts due from the state to such town or city.

SECTION 15. The list of shareholders required to be made by the cashier under section one, and the notice required to be given to the cashier by the shareholders under section six of this act shall be made for the present year on or before the first day of June, and a tax shall be laid and collected, under the provisions of this act for the present year, in the same manner and to the same effect as if it had been in force on the first day of May of the present year.

SECTION 16. This act shall take effect upon its passage.

Approved May 4, 1872.

Chap. 322 AN ACT TO AMEND AN ACT TO AMEND THE CHARTER OF THE CITY OF BOSTON.

Be it enacted, &c., as follows:

City charter amended. 1870, 337, § 8.

Street commissioners to furnish estimates of cost of laying out, etc., streets, within sixty days. To lay out etc., streets when directed by two-thirds vote of each branch of city council.

Section three of chapter three hundred and thirty-seven of the acts of the year eighteen hundred and seventy, is hereby amended by striking out the word "twenty-five" and inserting in place thereof the word "ten" wherever it occurs in said section, and by striking out all after the word "therein" in said section. And whenever the city council shall request the board of street commissioners to furnish the estimated cost of laying out, altering or discontinuing any street, lane or alley in said city, said board shall furnish such estimates within sixty days thereafter; and whenever the city council shall adjudge that the public safety and convenience require that any street, lane or alley in the said city shall be laid out, altered or discontinued, and shall by a two-thirds vote of the members of each branch thereof, direct the said board of street commissioners to lay out, alter or discontinue any such street, lane or alley, said board shall forthwith proceed so to lay out, alter or discontinue such street, lane or alley under the provisions of this act.

Approved May 4, 1872.

AN ACT IN ADDITION TO AN ACT RELATING TO THE SUPPORT OF PAUPERS IN NEWLY INCORPORATED TOWNS. Chap. 323

Be it enacted, &c., as follows:

SECTION 1. The first section of chapter two hundred and eighty of the acts of the year one thousand eight hundred and seventy-two, is hereby amended by inserting after the words "chapter three hundred and ninety," the word "two." Amendment to 1872, 280, § 1.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1872.

AN ACT TO EXTEND THE TIME FOR PAYING STATE AID TO DISABLED SOLDIERS AND SAILORS AND THEIR FAMILIES, AND THE FAMILIES OF THE SLAIN. Chap. 324

Be it enacted, &c., as follows:

SECTION 1. The operation of chapter one hundred and seventy-two of the acts of the year eighteen hundred and sixty-six, and chapter one hundred and thirty-six of the acts of the year eighteen hundred and sixty-seven, so far as they provide for the payment of state aid to disabled soldiers and sailors and their families, and for the families of the slain, residing in this Commonwealth, is hereby extended to the first day of January, in the year eighteen hundred and seventy-five: *provided*, that the decease of a soldier who was or shall be in the receipt of a pension from the United States and of state aid, at the time of his death, shall not prevent his family from receiving state aid under this act; and *provided, further*, that town and city authorities shall withhold the aid when, in their judgment, any person who is in receipt of a pension from the United States is not in necessitous circumstances or sufficiently disabled to prevent him from pursuing his ordinary and usual vocation. Time extended for payment of state aid to disabled soldiers etc., to Jan'y 1, 1875.

SECTION 2. Any city or town may raise money by taxation or otherwise, and, if necessary, apply the same, under the direction of its selectmen or city council, to aid disabled soldiers and sailors and their families, and the families of the slain. Proviso.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed. Proviso.

Approved May 4, 1872.

AN ACT IN RELATION TO CERTAIN MATTERS OF INSURANCE. Chap. 325

Be it enacted, &c., as follows:

SECTION 1. Sections seven and eight of chapter two hundred and forty-nine of the acts of the year eighteen hundred sixty-three, relating to the impairment of capital, shall be Companies with specific capital included in 1863, 249,

§§ 7, 8, relating to impairment of capital.

Not to insure, unless paid up capital amounts to \$100,000.

Stockholders' obligations, unless secured as required by G. S. 38, § 31, not to be part of assets.

General agent, after leaving the state, to receive premiums on policies in force at time of withdrawal.

If company neglects to appoint another general agent within 30 days, commissioner may appoint.

Provisions of 1871, 297, § 7 to apply.

held to include companies doing any kind of insurance business with a specific capital.

SECTION 2. No insurance company having a specific capital shall insure property in this Commonwealth, nor contract for insurance with any residents thereof, unless its paid-up capital stock amounts to one hundred thousand dollars, to be invested in accordance with the provisions of section thirty-one of chapter fifty-eight of the General Statutes: *provided, however*, that nothing contained in this section shall apply to companies chartered with a capital of less amount.

SECTION 3. Stockholders' obligations of any description not secured as required by the provisions of section thirty-one of chapter fifty-eight of the General Statutes, shall constitute no part of the capital stock or assets of any insurance company doing business in this Commonwealth with a specific capital.

SECTION 4. In addition to the stipulations and agreements now required by section sixty-eight of chapter fifty-eight of the General Statutes, relating to the appointment of general agents or attorneys to accept service of process against insurance companies not incorporated by the legislature of this Commonwealth and doing business therein, it is hereby provided that said appointment shall stipulate and agree that the general agent or attorney of any such life insurance company withdrawing from the state or ceasing to do business therein, shall be authorized to accept payment of premiums thereafter falling due on policies remaining in force and held by its citizens in such company at the time of its withdrawal or cessation of business as aforesaid, and in case of the removal of said general agent or attorney from the Commonwealth, and the neglect of the company for thirty days to appoint a successor, the insurance commissioner shall have authority to make such appointment, which, with the payment of premiums as herein provided, shall have the same legal force and validity as if such company had continued its business in the Commonwealth.

SECTION 5. The provisions of section seven of chapter two hundred and ninety-seven of the acts of the year eighteen hundred and seventy-one, relating to the taxation, duties, obligations and penalties appertaining to companies, associations and individuals doing an insurance business in this Commonwealth, shall apply to all companies, associations and individuals wherever formed or associated and doing any kind of insurance business therein.

SECTION 6. Section sixty-nine of chapter fifty-eight of the General Statutes is hereby so far amended, that none but general agents of life insurance companies incorporated in other states and doing business in this state, shall be required to give a bond to the treasurer and receiver-general, unless representing life insurance companies from states which impose taxes upon the premium receipts of life companies incorporated in this state and doing business in such other states. Amendment to G. S. 58, § 69.

SECTION 7. All corporations, associations, partnerships or individuals doing business in this state under any charter, compact, agreement, or statute of this or any other state, involving an insurance, guaranty, contract, or pledge for the payment of annuities or endowments, or for the payment of moneys to families, or representatives of policy or certificate holders, or members, shall be considered and deemed to be life insurance companies within the meaning of the laws relating to life insurance within this state, and shall not make any such insurance, guaranty, contract, or pledge therein, or to or with any citizen or resident of this state, which shall not distinctly state therein the amount of such life benefits, the manner of payment, the period of the continuance thereof, and the amount of the annual, semi-annual, or quarterly premium, or by which the payment of the life benefit assured shall be contingent upon the payment of assessments made upon surviving members, nor except in accordance with, and under the conditions and restrictions of the statutes now or hereafter regulating the business of life insurance: *provided*, that nothing in this section shall be held to conflict with the provisions of chapter one hundred and eighty-six of the acts of eighteen hundred and sixty-one. What corporations, partnerships, etc., to be deemed life insurance companies.

SECTION 8. Section one of chapter two hundred and twenty-eight of the acts of the year eighteen hundred and seventy-two is hereby amended, so that the same shall read as follows, viz.: When (and so long as) any fire, marine, fire and marine, or fire and life insurance company, incorporated or associated under the laws of any government or state other than one of the United States, which is or may be admitted to do business in this Commonwealth, in accordance with the laws thereof, invests, and keeps invested, in this Commonwealth, with the approval of the insurance commissioner thereof, the sums and amounts of money entitling such companies to do business in this Commonwealth, and not less than two hundred thousand dollars in amount, and annually, on or before the first day of Novem- Proviso.

Amendment to 1872, 228, § 1.

ber, pays a tax on the sums and amounts so invested, to the treasurer and receiver-general of the Commonwealth, at the average rate of taxation as obtained by the tax commissioner, under the provisions of chapter two hundred eighty-three of the year eighteen hundred and sixty-five, said tax shall be received in lieu and in place of the tax now imposed upon premiums received by such company. Whenever and so long as any such company keeps invested such sum of not less than two hundred thousand dollars in any other or others of the United States, such company shall pay the tax on premiums provided by chapter two hundred and twenty-four of the acts of eighteen hundred and sixty-two, for companies incorporated by others of the United States, at the time and in the manner in said act prescribed.

Repeal.

SECTION 9. Section five of chapter three hundred and forty-nine of the acts of eighteen hundred and seventy, is hereby repealed.

SECTION 10. This act shall take effect upon its passage.

Approved May 4, 1872.

Chap. 326 AN ACT TO AMEND AN ACT TO PROVIDE FOR THE FORMATION OF
LIBRARY CORPORATIONS

Be it enacted, &c., as follows:

Provisions of
1872, 217, not to
be construed as
requiring capi-
tal stock.

SECTION 1. Nothing contained in the provisions of chapter two hundred and seventeen of the acts of the year eighteen hundred and seventy-two shall be construed to require library corporations, formed under the same, to have a capital stock, when it is otherwise provided in the agreement of association.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1872.

Chap. 327 AN ACT TO ENCOURAGE THE MANUFACTURE OF BEET SUGAR.

Be it enacted, &c., as follows:

Machinery, etc.,
used in manu-
facture of beet
sugar, may be
exempted from
taxation.

SECTION 1. Any city or town, for the term of ten years next after the passage of this act, may exempt from taxation for any purpose whatsoever, all the machinery, buildings, real estate and all other property owned by any individual or individuals, corporation or corporations, organized under any law of this state, and used exclusively in the business of manufacturing beet sugar: *provided*, that this exemption from taxation shall not apply to lands upon which beets are raised for the purpose of manufacture.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1872.

AN ACT IN ADDITION TO AN ACT FIXING THE COMPENSATION OF THE MEMBERS OF THE LEGISLATURE, AND TO FIX THE COMPENSATION OF THE LIEUTENANT-GOVERNOR AND COUNCIL.

Chap. 328

Be it enacted, &c., as follows:

SECTION 1. Every member of the senate or house of representatives, who is chosen to fill a vacancy, and every member who resigns his seat during the session, shall be entitled to a per diem compensation for the time he was a member, at the rate of seven hundred and fifty dollars for the session.

Member serving part of term to receive per diem compensation at rate of \$750 for the session.

SECTION 2. Members of the senate and house may draw from the treasury, upon certificates as now provided by law, at the end of each month one hundred dollars, provided, that such monthly payments shall not exceed in the aggregate the sum fixed by law as the salary of the member for the annual session.

May draw from treasury \$100 each month.

SECTION 3. The compensation of the lieutenant-governor and council shall be as follows, viz.: for attendance at the regular session held during the annual session of the legislature, to the lieutenant-governor the sum of fifteen hundred dollars, and to each councillor seven hundred and fifty dollars; and for each day's attendance at subsequent sessions, to the lieutenant-governor the sum of ten dollars, and to each councillor the sum of five dollars, and for travel once in each session one dollar for every five miles from their several places of abode.

Compensation of lieutenant-governor and council.

SECTION 4. Section two of chapter fourteen of the General Statutes, is hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved May 4, 1872.

AN ACT IN RELATION TO THE PRINTING OF THE ANNUAL VOLUMES OF ACTS AND RESOLVES.

Chap. 329

Be it enacted, &c., as follows:

SECTION 1. Four thousand five hundred copies of the acts and resolves known as the Blue Book shall hereafter be printed annually instead of the number now authorized by law.

4,500 copies of Blue Book to be printed.

Approved May 4, 1872.

AN ACT TO AMEND AN ACT CONCERNING DOGS, AND FOR THE PROTECTION OF SHEEP AND OTHER DOMESTIC ANIMALS.

Chap. 330

Be it enacted, &c., as follows:

SECTION 1. Any person becoming the owner or keeper of a dog after the first day of May, not duly licensed, shall cause said dog to be registered, numbered, described and licensed until the first day of the ensuing May, in the manner and subject to the terms and duties prescribed in section

Dogs to be registered, licensed, etc.

Proviso.

one of chapter one hundred and thirty of the acts of the year eighteen hundred and sixty-seven: *provided*, that no dog shall be required to be licensed until it is three months old.

Owner may have dog licensed until first day of ensuing May, and be exempted from penalty under 1867, 130, § 1.

SECTION 2. Any owner of a dog may, at any time, have it licensed until the first day of the ensuing May, upon paying the sum provided in section one of chapter one hundred and thirty of the acts of the year eighteen hundred and sixty-seven; and such license shall exempt him from the penalty of section five of chapter one hundred and thirty of the acts of the year eighteen hundred and sixty-seven, unless such complaint is made prior to issuing the license.

Approved May 4, 1872.

Chap. 331 AN ACT TO FIX THE COMPENSATION OF OFFICERS OF COURT IN THE COUNTY OF SUFFOLK.

Be it enacted, &c., as follows:

Compensation of officers attending civil services of S. J. C. and S. C. in Suffolk county.

SECTION 1. The officers in attendance upon the civil sessions of the supreme judicial court and superior court in the county of Suffolk, shall hereafter be paid four dollars and fifty cents a day for their attendance, and one travel each week, at the rate of five cents a mile, to be paid out of the county treasury, monthly or otherwise, as ordered by said courts.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1872.

Chap. 332 AN ACT TO FIX THE SALARY OF THE ASSISTANT-CLERK OF COURTS OF THE COUNTY OF NORFOLK.

Be it enacted, &c., as follows:

Salary fixed at \$500.

SECTION 1. The assistant-clerk of courts of the county of Norfolk, shall, from and after the first day of April, in the year eighteen hundred and seventy-two, receive an annual salary of fifteen hundred dollars, payable in the manner now provided by law.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1872.

Chap. 333 AN ACT TO FIX THE SALARY OF THE ASSISTANT-CLERK OF THE COURTS OF THE COUNTY OF MIDDLESEX.

Be it enacted, &c., as follows:

Salary fixed at \$2,100.

From and after the first day of April, in the year one thousand eight hundred and seventy-two, the assistant-clerk of the courts of the county of Middlesex, shall receive an annual salary of twenty-one hundred dollars.

Approved May 4, 1872.

AN ACT TO ESTABLISH A BOARD OF PUBLIC WORKS IN THE CITY OF *Chap. 334*
 SPRINGFIELD.

Be it enacted, &c., as follows:

SECTION 1. The city council of the city of Springfield may within one month after the passage of this act, elect on joint ballot, in convention, three able and discreet men, being inhabitants of said city, and legal voters, who shall constitute the board of public works of said city; one of whom shall be chosen to hold office until the first Monday in April, in the year eighteen hundred and seventy-three, one to the first Monday in April, eighteen hundred and seventy-four, and one to the first Monday in April, in the year eighteen hundred and seventy-five, and until others are chosen and qualified in their stead; and during the month of March, in the year eighteen hundred and seventy-three, and annually in the month of March thereafter, the city council shall on joint ballot, in convention, elect one man, qualified as aforesaid, to be a member of said board to serve for the term of three years from the first Monday of April thereafter, and until another is chosen and qualified in his stead.

Board of public works established in the city of Springfield.

SECTION 2. Before entering upon the discharge of their duties, the members of said board, elected under the provisions of this act, shall be sworn to the faithful discharge thereof.

Members to be sworn.

SECTION 3. Should a vacancy occur in said board, it may be filled for the remainder of the term in which such vacancy occurs by election by the city council by joint ballot in convention.

Vacancies to be filled by joint ballot in convention.

SECTION 4. It shall be the duty of said board to hold hearings, investigate and report on all matters referred to them by the city council or mayor and aldermen, relating to the laying out, altering, widening, discontinuing, change of grade, or repairing of the streets of the city; also on all matters so referred to them relating to the laying out, establishing, change of grade, constructing, paving, altering, repairing or repaving sidewalks therein; and also on all matters so referred to them relating to the laying out, maintenance, constructing, altering or repairing sewers and drains therein.

Duties of the board.

Said board shall also perform such further duties relating to streets, bridges, sidewalks, sewers, drains or other public works, parks, squares and public places including the estimation of damages and betterments as the city council shall by city ordinance or order, not repugnant to law, from time to time prescribe or direct.

City engineer
to be clerk of
the board.

SECTION 5. The city engineer shall be the clerk of said board. He shall make and keep a record of the doings of said board and certify the same when there is occasion therefor. He shall also make all plans and surveys required for the use of said board. In case of the absence or inability of said clerk to act, said board may appoint a temporary clerk to act in his place, who shall receive for his services such compensation as said board shall determine.

City may take
land, etc., for
maintaining
sewers, etc.

SECTION 6. Said city council may take and hold, by purchase or otherwise, such land and water courses as they may deem necessary for the purpose of laying and maintaining sewers and drains: *provided*, that if any person shall sustain damages to his property by reason thereof, and shall fail to agree upon a settlement of the same with said city council, the same shall be assessed in the same manner as damages are assessed in the laying out of highways.

Word "street"
to include high-
way, etc.

SECTION 7. The word street in this act shall include highways, town ways, lanes and alleys.

Compensation.

SECTION 8. The members of said board of public works shall receive such compensation for their services as the city council may by ordinance establish.

SECTION 9. This act shall take effect upon its acceptance by the city council.

Approved May 4, 1872.

Chap. 335

AN ACT TO SUPPLY THE TOWNS OF WAKEFIELD AND STONEHAM WITH WATER.

Be it enacted, &c., as follows:

Wakefield and
Stoneham to be
supplied with
pure water.

SECTION 1. Cyrus Wakefield, Lucius Beebe, James F. Emerson, John Hill, H. H. Mawhinney, Onslow Gilmore, Francis H. Knight, their associates and successors, are hereby made a corporation under the name of the Quannapowitt Water Company, for furnishing the inhabitants of Wakefield and Stoneham with water; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or hereafter may be in force, so far as the same are applicable to this corporation.

Water may be
taken from
Lake Quanna-
powitt and
Crystal Lake.

SECTION 2. Said corporation, for the purpose aforesaid, may take, hold and convey, into and through said towns, the waters of Lake Quannapowitt or Crystal Lake, or both, in the town of Wakefield, together with the tributary waters which flow to either in said towns, and may take and hold by purchase or otherwise, such land, on and around the margin of such lake or lakes, or tributaries, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters; and may also take and hold in

like manner, such lands as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works, for collecting, conducting and distributing such waters through said towns of Wakefield and Stoneham. The said corporation shall, within sixty days from the time of taking any land as aforesaid, file in the registry of deeds for the county of Middlesex, a description of the land so taken, sufficiently accurate for identification, and state the purpose for which it is taken.

Description of lands taken to be filed in registry of deeds.

SECTION 3. Said corporation may build aqueducts, and maintain the same by any works suitable therefor; may erect and maintain dams; may make reservoirs and hydrants, and may distribute the water throughout said towns of Wakefield and Stoneham, by laying down pipes, and may establish the rent therefor.

May build aqueducts, etc.

Said corporation may also, for the purposes aforesaid, carry its pipes and drains over or under any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same; and may enter upon and dig up any road, under the direction of the selectmen of the said towns respectively, in such manner as to cause the least hindrance to the travel thereon.

SECTION 4. Said corporation shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land, water or water rights, or by the constructing of any aqueducts, reservoirs or other works for the purposes aforesaid. If any person who shall sustain damage as aforesaid, cannot agree with said corporation upon the amount of said damages, he may have them assessed in the same manner as is provided by law, with respect to land taken for highways; and all damages for the taking of lands for the purposes aforesaid shall be paid for by said corporation before entering upon said lands.

Liability for damages.

SECTION 5. No application shall be made to the county commissioners for the assessment of damages for the taking of any water rights until the water is actually withdrawn or diverted by said corporation. Any person whose water rights are thus taken or affected, may apply as aforesaid, at any time within three years from the time when the water is actually withdrawn or diverted.

No application to be made for damages for taking water rights until water is actually diverted.

SECTION 6. Said corporation may hold, for the purposes aforesaid, real estate to the amount of one hundred thousand dollars, and its whole capital stock shall not exceed three hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each. And no

Real estate.

Capital stock

liability shall be incurred by said corporation until at least thirty thousand dollars of its capital shall have been paid in in cash.

Penalty for maliciously diverting water or rendering it impure.

SECTION 7. Any person who shall maliciously divert the water, or any part thereof, of the sources which shall be taken by the corporation, pursuant to the provisions of this act, or who shall maliciously corrupt the same or render it impure, or who shall maliciously destroy or injure any dam or reservoir, aqueduct, pipe or hydrant, or other property held, owned or used by said corporation for the purposes of this act, shall pay three times the amount of actual damages to the said corporation, to be recovered in an action of tort; and every such person, on conviction of either of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars and imprisonment not exceeding six months.

Wakefield and Stoneham or either of them may purchase franchise within three years.

SECTION 8. The towns of Wakefield and Stoneham, or either of them, in case the other declines to participate in said purchase, may at any time within three years from the time this act takes effect, take or purchase the franchise of said corporation and all its corporate property, by paying therefor the amount expended for the construction, maintenance and repairs of said water works, and all necessary incidental expenses, together with interest thereon at the rate of ten per centum per annum, less the amount derived therefrom, with interest thereon at the rate aforesaid, and may assume all its rights and privileges from the corporators aforesaid. And in case said towns cannot agree as to the portion of said amount to be paid by each, the supreme judicial court or any justice thereof upon application of either town so purchasing, shall appoint three commissioners to award the amount to be paid by each, which award shall be final.

Towns may issue scrip for defraying cost of franchise.

SECTION 9. For the purpose of defraying the cost of such franchise, corporate property, lands, water and water rights as are taken, purchased or held for the purposes aforesaid, and for constructing works necessary and proper for the accomplishment of the purposes authorized by this act and paying all expenses incident thereto, each of said towns may issue from time to time scrip, notes or certificates of debt; the town of Wakefield to an amount not exceeding two hundred thousand dollars; the town of Stoneham to an amount not exceeding one hundred and fifty thousand dollars. Such scrip issued by the town of Wakefield shall be denominated on its face Wakefield Water Fund Bonds; that issued by the town of Stoneham shall be

denominated on its face Stoneham Water Fund Bonds. All such scrip shall bear interest at a rate not exceeding seven per centum per annum, payable semi-annually, and the principal shall be payable at periods of not more than twenty years from the issuing of said scrip, notes or certificates, respectively. And such town may sell the same or any part thereof from time to time, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as such towns shall deem proper. And each of said towns is further authorized to make appropriations and assess from time to time, such amounts, not exceeding in any one year the sum of ten thousand dollars, towards paying the principal of the money so borrowed, except in the year when the same may become due, and also a sum sufficient to pay the interest thereon in the same manner as money is assessed and appropriated for other town purposes.

Scrip to bear interest not exceeding seven per cent.

SECTION 10. When said towns or either of them shall assume or purchase the franchise, property, rights and privileges of the corporation established by this act, said town or towns shall hold and may exercise all the powers and authority conferred upon said corporation by this act, and shall be subject to all the restrictions, duties and liabilities herein imposed on said corporation, and may act by such commissioners, three in number from each town, as the selectmen of each town shall from time to time appoint; and said town or towns shall be liable to pay all damages to which said corporation shall have become liable and shall not have paid.

When franchise is purchased, towns to exercise all powers conferred upon corporation.

In case both towns shall have united in assuming or purchasing the franchise and property of said corporation, the commissioners appointed by the selectmen as aforesaid shall constitute a joint board of water commissioners, who shall have power to regulate and control the use of the water of said lake, and exercise all the powers and authority conferred by this act; and said towns, in case they shall have united as aforesaid, shall be jointly liable to persons having claims under this act; but the apportionment between the towns of any expenses incurred under this act, and the determination of any other question which shall arise between said towns, under this act, shall be made by said joint board, and in case said commissioners shall be equally divided upon any question, it shall be determined in the manner heretofore provided in the eighth section of this act for apportioning the amount to be paid for the franchise and property of said corporation.

Water commissioner to be appointed by selectmen.

In case one of said towns shall alone assume or purchase said franchise and property under the provisions of this act, its commissioners shall have the powers conferred by this section upon said joint board.

Rents for use of water to be paid into town treasury.

SECTION 11. The rents received for the use of water within the limits of each town shall, when collected, be paid over to the treasurer of the town, and after the payment therefrom of the semi-annual interest upon said scrip, and after deducting all charges of distribution and repairs and other expenses incident to the same, shall be set apart with all amounts appropriated from time to time by said town, for the payment of the principal sum of said scrip as a sinking fund, which with the accumulated interest upon the same shall be devoted to the payment of said scrip of said town at maturity. Said sinking fund may be invested in the scrip authorized by this act, at a price not exceeding its par value, or on such loans or in such securities as by law the funds of savings banks may be invested in, except that no portion of the same shall be loaned directly or indirectly to either of said towns, or upon mere personal security.

Sinking fund to be established.

Accounts of sinking fund to be kept separate from other town accounts.

SECTION 12. The accounts of such sinking funds shall be kept apart from the other accounts of the town, and in each town shall at all times be open to the inspection of the water commissioners of said town. The treasurer of each town shall annually make a written report to the town at its annual meeting of the condition of the fund of the town, and the changes of investment during the then preceding year. The selectmen and water commissioners shall jointly, as often as once in each year, examine the accounts and securities of the fund, and shall report the result of their examination to the town, in connection with the report of the treasurer.

Wakefield to be first supplied with water.

SECTION 13. It is hereby provided that if in the future, the supply of water shall prove insufficient for more than one town, for domestic purposes, the town of Wakefield shall be first supplied.

Reading not precluded from taking water if authorized by legislature.

SECTION 14. Nothing in this act shall be construed to preclude the right of the town of Reading to take water from either or both of said lakes, whenever so authorized by the legislature.

SECTION 15. This act shall take effect upon its passage.

Approved May 4, 1872.

AN ACT TO SUPPLY THE TOWN OF WEST ROXBURY WITH WATER.

Chap. 336

Be it enacted, &c., as follows:

SECTION 1. The town of West Roxbury is hereby authorized to take, hold, and convey into and through said town, sufficient water from Charles River, at any convenient point upon the same, for the use of said town and the inhabitants thereof, not exceeding fifteen hundred thousand gallons daily, for the extinguishment of fires, and for domestic and other purposes; and may also take and hold by purchase or otherwise, any lands or real estate necessary for laying and maintaining aqueducts or pipes, constructing or maintaining reservoirs and such other works as may be deemed necessary or proper for raising, forcing, retaining, distributing, discharging or disposing of said water.

West Roxbury
to be supplied
with water
from Charles
River.

SECTION 2. The town of West Roxbury shall, within sixty days from the time it shall take any lands for the purposes of this act, file in the registry of deeds of the county and district in which such lands lie, a description of the lands so taken as certain as is required in a common conveyance of lands, and a statement of the purposes for which they were taken, which description and statement shall be signed by a majority of the selectmen.

To file in regis-
try of deeds
within sixty
days, descrip-
tion of land
taken.

SECTION 3. Said town may make, build and lay down aqueducts and pipes from said source to, into, through and about said town, and secure and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the water taken; may construct and maintain reservoirs within or without said town; and may make, erect and maintain, and carry on such other works as may be necessary or proper for raising the water into the same, and forcing and distributing the water through and about said town; may make and establish such public hydrants and fountains in such places in said town as may, from time to time, be deemed proper, and prescribe the purposes for which the same may be used, and may change or discontinue the same; may distribute the water throughout said town, and for this purpose may lay down pipes to any house or building in said town, the owner or owners thereof having notice and not objecting thereto; may regulate the use of said water, and establish, receive and collect the prices or rents to be paid therefor; and said town may, for the purposes aforesaid, carry and conduct and maintain any aqueducts, pipes or other works, by them to be made, laid down or conducted over, under, through or across any water-course, canal, street, bridge, railroad, highway or other way, in such a manner as not to obstruct the travel or free use thereof;

May build aque-
ducts, erect
dams and reser-
voirs, etc.

may enter upon and dig up any such road, street or way for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same, and in general may do any other acts and things necessary or convenient and proper for carrying out the purposes of this act.

Rights to be exercised by such commissioners and agents as town may direct.

SECTION 4. The rights, powers and authorities given to said town by this act shall be exercised by said town subject to the restrictions, duties and liabilities herein contained, in such manner and by such commissioners, officers, agents and servants as said town shall from time to time choose, ordain, appoint and direct. Such commissioners, officers or agents shall be subject to such ordinances, rules and regulations in the execution of their trust as the town may from time to time ordain and establish not inconsistent with the provisions of this act and the laws of the Commonwealth.

"West Roxbury Water Scrip" may be issued not exceeding \$600,000 at seven per cent. interest.

SECTION 5. For the purpose of defraying the cost and expenses which may be incurred under the provisions of this act, the town of West Roxbury, through its treasurer, shall have authority to issue from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof West Roxbury Water Scrip, to an amount not exceeding six hundred thousand dollars, bearing interest not exceeding seven per centum per annum, payable semi-annually; the principal shall be payable at periods not more than thirty years from the issuing of said notes, scrip or certificates respectively. Said treasurer, under the authority of said town, may sell the same or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as he may deem proper, or as may be prescribed by the town. Said town is further authorized to make appropriations, and assess from time to time such amounts not exceeding in one year the sum of twenty thousand dollars towards payment of the principal of the money so borrowed, and also a sum sufficient to pay the interest thereof, in the same manner as money is assessed and appropriated for other town purposes.

Liability for damages, etc.

SECTION 6. The said town of West Roxbury shall be liable to pay all damages that shall be sustained by any person or persons in their property, by the taking of the waters of said Charles River or other source of supply, or any part thereof, as authorized by this act, or by the taking of any land, rights of way, water rights or easements, or by the erection of any dams, or the construction of any aqueducts, reservoirs, water-ways, or other works for the purposes of this act; and if the owner or owners of any property which shall be taken as aforesaid, or other person or persons sus-

taining damages as aforesaid, shall not agree on the damages to be paid therefor, he or they may apply by petition for an assessment of the damages at any time within three years from the taking of the said property, or the construction of dams or other works occasioning damages as aforesaid, and not afterwards, to the superior court in the county in which the same are situated. Such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to the said town of West Roxbury, returnable, if issued in vacation, at the next term of the said court to be held after the expiration of fourteen days from the filing of said petition; and if in term time, returnable on such day as said court shall order, to appear and answer to the said petition; the said summons shall be served fourteen days at least before the term or day at which it is returnable, by leaving a copy thereof and of the said petition, certified by the officer who shall serve the same, with the clerk of said town; and the said court may, upon default or hearing of said town, appoint three disinterested persons, who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid; and the award of the said persons so appointed, or a major part of them, being returned into and accepted by the said court, shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party, with costs, unless one of said parties shall claim a trial by jury as hereinafter provided.

Assessment of damages.

SECTION 7. If either of the parties mentioned in the sixth section shall be dissatisfied with the amount of damage awarded, as therein expressed, such party may, at the term at which such award was accepted, or the next term thereafter, claim in writing, a trial in said court, and have a jury to hear and determine, at the bar of said court, all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of said jury being accepted and recorded by the said court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the said parties respectively, in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

If dissatisfied with award, parties may have trial by jury.

SECTION 8. In every case of a petition to the superior court for the assessment of damages as provided in this act, the town may tender to the complainant or his attorney any sum that it shall think proper, or may bring the same into court to be paid to the complainant for damages by him sus-

Town may make a tender for damages.

tained or claimed in his petition ; and if the complainant shall not accept the sum with his costs up to that time, but shall proceed in his suit, he shall be entitled to his costs up to the time of the tender of such payment into court, and not afterwards, unless the complainant shall recover greater damages than were so offered.

May make reservoirs, dams, etc., at source of river or streams, and make contracts with mill-owners upon Charles River, etc., by which they shall contribute to expense of making the same.

SECTION 9. Said town may also, for the purpose of collecting water and supplying the same to said river, make and maintain, upon or near said river, or the streams flowing into the same, or at, upon or near the source of said river or streams, any reservoirs, dams or other suitable structures, and may take and hold, by purchase or otherwise, such real estate, water, water rights or easements as may be necessary or convenient for that purpose. Said town may make any contracts with the proprietors of mills on Charles River, or with the owners of any mills on Charles River, Mother Brook or Neponset River, or with other towns which now are or may be hereafter authorized to take water from Charles River, by which said proprietors or owners or towns, or any of them, shall contribute to the expense of making and maintaining said dams, reservoirs or other suitable structures, and of taking or purchasing any water, water rights, lands or easements for the purpose of collecting water and supplying the same to Charles River as aforesaid. The outlet from any reservoir established under this act, for the collection of water, shall be under the control of said proprietors. And said town may unite and agree with any other town or towns authorized to take water from said river, in making and maintaining suitable works and structures for their joint use under this act.

May declare by vote the quantity of water to be taken.

SECTION 10. The town of West Roxbury may by a vote of said town declare the quantity of water proposed to be taken, not exceeding fifteen hundred thousand gallons daily, such vote to be passed not less than six months before the waters shall be withdrawn from said river, and a copy of such vote being filed in the registry of deeds for Norfolk county, within sixty days thereafter ; the terms thereof shall be held to be the measure and limit of the right of said town to take or divert the waters of said river under this act ; and in case of a joint taking by any towns under this act, the provisions of this section shall apply to such towns jointly, so far as any damage results from such joint taking.

To provide a reliable method for measuring the amount of water taken from Charles River.

SECTION 11. It shall be the duty of said town to provide some reliable means or method of measuring and registering the amount of water taken from said Charles River, as soon as they commence taking the same, such register or record

to be accessible at all times to any interested parties; and if the owners of any water rights in the waters of said river, and said town, shall fail to agree upon the mode of measurement, the method shall be fixed by one or more engineers, to be appointed upon the application of either party, by any justice of the supreme judicial court. And if at any time said town shall take a larger quantity of water from Charles River than it shall have determined by said vote under the tenth section of this act, it shall be liable in an action of tort to any mill owner for any such damage he may have suffered, and may be restrained by injunction from taking such larger quantity of water by any such mill owner or other party.

SECTION 12. No application shall be made to the court for the assessment of damages for the taking of any water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

No application to be made for damages until water is actually withdrawn.

SECTION 13. If any person shall use any water taken under this act without the consent of said town, or shall wantonly or maliciously divert the water, or any part thereof, taken or held by said town, pursuant to the provisions of this act, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said town under the authority of and for the purposes of this act, he shall forfeit and pay to said town three times the amount of the damage assessed therefor, to be recovered in an action of tort, and on conviction of either of the wanton or malicious acts aforesaid, may be also punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Penalty for unlawfully using or diverting water or rendering it impure.

SECTION 14. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and the owner shall also be liable, if, on being notified of such use, he does not object thereto.

Occupant of tenement liable for water rates.

SECTION 15. The water taken under this act shall not be used in any way as a motive power, except for generating steam.

Water may be used for generating steam.

SECTION 16. Chapter three hundred and forty-three of the acts of the year eighteen hundred and sixty-seven is hereby repealed.

Repeal.

SECTION 17. Nothing in this act shall be construed to affect any existing right of said town to draw water from said river.

Existing right to draw water not affected.

Subject to acceptance by vote of town.

SECTION 18. This act shall take effect upon its passage, and shall become void, unless accepted by a majority of the legal voters of said town present and voting thereon, at a legal meeting held within two years from the time of its passage.

Approved May 4, 1872.

Chap. 337

AN ACT TO SUPPLY THE TOWN OF WALTHAM WITH WATER.

Be it enacted, &c., as follows:

Waltham to be supplied with pure water.

SECTION 1. The town of Waltham is hereby authorized to supply itself and its inhabitants with pure water to extinguish fires, generate steam, and for domestic and other uses, and may establish public fountains and hydrants, and regulate their use, and may discontinue the same, and may collect such rents as may be fixed for the use of such water.

May take water from Charles River or Stony Brook.

Proviso.

SECTION 2. Said town, for the purposes aforesaid, may take the water of Charles River in Waltham or Stony Brook, within said town, or in Weston, contiguous to said town, and any water rights connected therewith: *provided*, that nothing in this act shall prevent the inhabitants of the town of Weston from enjoying the several rights they now enjoy to the water of Stony Brook; and may convey said waters, or any part thereof, into and through said town; and may also take and hold, by purchase or otherwise, all necessary lands for raising, flowing, holding, diverting, conducting and preserving such waters, and conveying the same to any and all parts of said town; and may erect thereon proper dams, reservoirs, buildings, fixtures and other structures, and make excavations and embankments, and procure and run machinery therefor; and for such purposes may construct and lay down conduits, pipes and drains in, under or over any lands, water-courses, roads or railroads, and along any street, highway, alley or other way other than a railway, in such manner as not to unnecessarily obstruct the same; and for the purpose of constructing, laying down, maintaining and repairing such conduits, pipes and drains, and for all other proper purposes of this act, may dig up, raise and embank any such lands, street, highway, alley or other way, in such manner as to cause the least hindrance to travel thereon; but all things done upon any railroad shall be subject to the direction of the county commissioners for the county of Middlesex: *provided*, that within ninety days after the time of taking any lands, ponds or water rights as aforesaid, otherwise than by purchase, said town shall file, in the registry of deeds for the southern district of the county of Middlesex, a description thereof sufficiently accurate for identification, with a statement of the purpose for which the same

To file in registry of deeds within ninety days, description of land taken.

thereof; and the verdict of the jury being accepted and recorded by the said court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the said parties, respectively, in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

Town may
make a tender
for damages.

SECTION 5. In every case of a petition to the superior court for the assessment of damages, as provided in this act, the town may tender to the complainant, or his attorney, any sum that it shall think proper, or may bring the same into court to be paid to the complainant for the damages by him sustained or claimed in his petition; and if the complainant shall not accept the sum with his costs up to that time, but shall proceed in his suit, he shall be entitled to his costs up to the time of the tender of such payment into court, and not afterwards, unless the complainant shall recover greater damages than were so offered.

Waltham water
bonds may be
issued not ex-
ceeding \$250,-
000, at seven
per cent. inter-
est.

SECTION 6. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said town shall issue coupon bonds, signed by the treasurer, and countersigned by the chairman of selectmen of said town, to be denominated "Waltham Water Bonds," to an amount not exceeding two hundred and fifty thousand dollars, payable at periods not exceeding thirty years from the date thereof, with interest semi-annually at a rate not exceeding seven per centum per annum; and said town may sell said bonds at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper; and may raise money by taxation to pay said bonds and interest thereon when due; but said town shall not raise more than ten thousand dollars in any one year to pay the principal of said bonds, except the year in which the same may become due.

Water commis-
sioners to be
elected by bal-
lot.

SECTION 7. Three persons to be elected by ballot by said inhabitants, as hereinafter provided, shall form a board of water commissioners, who shall execute, superintend and direct the performance of all the works, matters and things mentioned in this act, and exercise all the rights, powers and privileges hereby granted, and not otherwise specifically provided for herein, subject to the vote of said town.

To serve for
three years,
after the first
election.

SECTION 8. At any special or annual meeting of the inhabitants of said town, called for the purpose, one of said board of water commissioners shall be elected for a term ending one year, one for a term ending two years, and one for a term ending three years from the next succeeding annual town meet-

ing; after which first election one-third of said board, as the term expires, shall be elected at the annual town meeting for the term of three years. Said commissioners shall receive such salaries or compensation as said town by vote may prescribe, and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act.

SECTION 9. Said water commissioners shall establish such prices or rents for the use of the water, as to provide annually, if practicable, from the net income and receipts therefor, for the payment of the Waltham water bonds, and also after three years from the introduction of the water into said town, for the further payment of not less than one per centum of the principal of said bonds. The net surplus income and receipts, after deducting all expenses, interest and charges of distribution, shall be set apart as a sinking fund, and applied solely to the payment of the principal of said bonds until the same are fully paid and discharged. Said water commissioners shall be trustees of said fund, and shall annually, and as often as said town may require, render an account of all their doings in relation thereto.

Provisions for
payment of
bonds.

Sinking fund.

SECTION 10. At any time after the expiration of three years from the introduction of said water into said town, and before the reimbursement of the principal of the said Waltham water bonds, if the surplus income and receipts for the use of water distributed under this act, at the price established by the water commissioners, after deducting all expenses and charges of distribution, shall for any two successive years be insufficient to pay the accruing interest on said bonds, and the one per cent. to the sinking fund as aforesaid, then the supreme judicial court, or any justice thereof, on the petition of sixty or more of the legal voters of said town, praying that said price may be increased so far as may be necessary for the purpose of paying, from said surplus income and receipts, said accruing interest, and said one per cent. to the sinking fund, and upon due notice of the pendency of such petition, given to said town, in such manner as said court shall order, may appoint three commissioners, who, upon due notice to the parties interested, may raise and increase said price if they shall judge proper, so far as may be necessary for the purpose aforesaid, and no further; and the award of said commissioners, or the major part of them, being returned to the said court at the next term thereof for the southern district of the county of Middlesex, and accepted by the said court, shall be binding and conclusive for the term of three years next after

Water rates
may be increas-
ed after three
years, if income
is not sufficient
to pay accruing
interest and one
per cent. to
sinking fund.

the said acceptance, and until the price so fixed shall, after said term, be changed by said water commissioners or by said town.

Occupant of tenement liable for water rates.

SECTION 11. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and also the owner thereof shall be liable, if, on being notified of such use, he does not object thereto.

Penalty for unlawfully using or diverting water or rendering it impure.

SECTION 12. Any person who shall use any of said water without the consent of said town, except as herein before provided, or who shall wantonly or maliciously divert the water, or any part thereof, taken, held or used under the provisions of this act, or who shall wantonly or maliciously corrupt the same, or render it impure, or who shall wantonly or maliciously destroy or injure any dam, conduit, aqueduct, pipe or hydrant, or other property, real or personal, held, owned or used by said town for the purposes of this act, shall pay three times the actual damage to said town, to be recovered by an action of tort. Any such person, on conviction of either of the wanton or malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or both said penalties.

Town may declare by vote the quantity of water to be taken.

SECTION 13. The town of Waltham may, by a vote of said town, declare the quantity proposed to be taken, not exceeding one and one-half million gallons daily; such vote to be passed not less than six months before the water shall be withdrawn from said river, and a copy of such vote being filed in the registry of deeds for the southern district of the county of Middlesex within sixty days thereafter, the terms thereof shall be held to be the measure and limit of the right of said town to take or divert the waters of said river, and in case of a joint taking by any towns under this act the provisions of this section shall apply to such towns jointly, so far as any damage results from such joint taking. It shall be the duty of said town to provide some reliable means or method of measuring and registering the amount of water taken from Charles River or Stony Brook as soon as they commence taking the same, such register or record to be accessible at all times to any interested parties; and if the owners of any water rights in the waters of said river or said brook, and said town, shall fail to agree upon the mode of measurement, the method shall be fixed by one or more engineers, to be appointed upon the application of either party, by any justice of the supreme judicial court. And if at any time said town shall take a larger quantity of water from Charles River than it shall have determined by

To provide a reliable method for measuring the amount of water taken.

said vote under this section, it shall be liable in an action of tort to any mill owner for any such damage to which he is legally entitled, and may be restrained by injunction from taking such larger quantity of water, in a suit in equity brought by any such mill owner or other party.

SECTION 14. Nothing in this act shall be construed to affect any existing right of said town of Waltham to draw water from said river or brook.

Existing right to draw water not affected.

SECTION 15. Nothing in this act contained shall prevent the granting the right to take water from Charles River to any other town or city.

Right to take water by other towns.

SECTION 16. This act shall be void unless accepted by a majority of the legal voters of said town of Waltham, present and voting thereon, at a legal meeting held for the purpose within one year from the time this act goes into effect.

Subject to acceptance by vote of town.

SECTION 17. This act shall take effect upon its passage.

Approved May 4, 1872.

AN ACT TO INCORPORATE THE STANDISH MONUMENT ASSOCIATION.

Chap. 338

Be it enacted, &c., as follows :

SECTION 1. George Bradford, Thomas Chandler, Charles H. Chandler, their associates and successors, are hereby made a corporation by the name of the Standish Monument Association, for the purpose of erecting and maintaining in the town of Duxbury a monument to the memory of Miles Standish ; with all the powers and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may take and hold such land on the summit of Captain's Hill, in said town of Duxbury as shall be necessary or convenient for the purposes aforesaid : *provided*, that the land so taken shall not exceed three acres in area, and that such taking shall be in accordance with the laws for taking lands for the location and construction of highways : and *provided, also*, that such land shall not be taken until at least five thousand dollars of the capital stock of said corporation has been subscribed and paid in in cash.

May take land on summit of Captain's Hill in Duxbury.

Provisos.

SECTION 3. If at the expiration of five years from the passage of this act the contemplated monument, built of stone or other permanent material, and not less than sixty feet high, is not erected and completed, the title to all land taken under and by virtue of this act, shall revert to its former owner, his heirs or assigns.

Title of land to revert to owner, if monument is not built within five years.

Approved May 4, 1872.

Chap. 339 AN ACT TO AMEND AN ACT IN RELATION TO A FREE BRIDGE ACROSS THE CONNECTICUT RIVER BETWEEN HOLYOKE AND SOUTH HADLEY.

Be it enacted, &c., as follows:

County commissioners of Hampden and Hampshire may borrow money in addition to sum mentioned in 1870, 182, § 11.

SECTION 1. The county commissioners of the counties of Hampden and Hampshire are hereby authorized to borrow, upon the credit of said counties, in addition to the sum mentioned in section eleven of chapter one hundred and eighty-two of the acts of the year eighteen hundred and seventy, such further sums as may be necessary to pay the interest as it may from time to time fall due, on any obligation or contract to borrow money entered into by said county commissioners under the authority of said section.

SECTION 2. This act shall take effect upon its passage.

Approved May 4, 1872.

Chap. 340 AN ACT TO PROVIDE FOR THE ELECTION OF CERTAIN TRUSTEES OF AMHERST COLLEGE BY THE GRADUATES THEREOF.

Be it enacted, &c., as follows:

Trustees to be chosen by the graduates of the college.

When vacancy occurs, trustees to notify society of alumni.

SECTION 1. The five trustees of Amherst College heretofore chosen by the legislature, shall hereafter be chosen by the graduates of said college.

SECTION 2. Whenever a vacancy shall occur among the five trustees, the board of trustees of said college shall give notice thereof to the society of the alumni of said college, which at its next annual commencement meeting thereafter shall proceed to choose by ballot a trustee to fill such vacancy, in such manner and under such regulations as may be determined by said society, and shall return notice of such choice under the attestation of the secretary thereof to the board of trustees, whereupon said trustees shall declare such person so chosen a member of said board, and enter the same upon their records: *provided, however, that* said society shall be open to all the graduates of said college: *and provided, further, that* no member thereof who is not also a graduate of said college, shall be entitled to vote under the provisions of this act, nor shall any graduate be entitled to vote prior to the fourth annual commencement after his graduation.

Provisos.

Tenure of office, etc., to be fixed by trustees and society in concurrence.

SECTION 3. The qualifications, tenure and forfeitures of office for the trustees of said college, may be fixed by such rules as may be adopted by the board of trustees in concurrence with the society aforesaid, and such rules, when once adopted, shall not be changed except by a two-thirds vote of said board and of said society at annual meetings thereof.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 5. This act shall not take effect until it is accepted by the society of the alumni and the board of trustees of Amherst College, respectively, at meetings held for that purpose. Subject to acceptance by society and trustees.

Approved May 4, 1872.

AN ACT TO INCORPORATE THE SALISBURY POINT CEMETERY ASSOCIATION.

Chap. 341

Be it enacted, &c., as follows:

SECTION 1. Daniel Webster, Francis Kenniston, Hiram Lowell, Paul J. Bickford, their associates and successors, are hereby made a corporation by the name of the Salisbury Point Cemetery Association, for the purpose of perfecting, controlling and improving the grounds set apart, used and known as the "Cemetery," in the village of Salisbury point, in the town of Salisbury. Said corporation shall have all the powers, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force applicable to such corporations, except as is otherwise provided in this act. Corporators. Name and purpose. Powers and duties.

SECTION 2. In organizing under this act it shall be necessary to obtain only a vote of a majority in numbers and interest of the proprietors of said cemetery, present and voting at a legally notified meeting for such organization. Majority in numbers and interest of proprietors present and voting necessary to organize.

SECTION 3. Lots in said cemetery shall be held indivisible, and upon the decease of a proprietor the heirs-at-law or devisees of such lot, if devised, shall succeed to his privileges. If there is more than one heir or devisee any one of the number may represent the lot: provided no one of the other parties in interest objects. If such objection is made, the right of representation shall be settled in accordance with section three of chapter twenty-eight of the General Statutes. Lots to be held indivisible, etc.

SECTION 4. This act shall take effect upon its passage.

Approved May 4, 1872.

AN ACT TO INCORPORATE THE UNION FREIGHT RAILROAD COMPANY.

Chap. 342

Be it enacted, &c., as follows:

SECTION 1. George B. Upton, Percival L. Everett, Henry S. Russell, their associates and successors, are hereby made a corporation by the name of the Union Freight Railroad Company, for the purpose of locating, constructing, maintaining and operating a railroad, for public use in the conveyance of freight only, with convenient single or double tracks, between the terminal points of the several steam railroads entering the city of Boston, and extending in and through such portions of the following streets as may be necessary for that purpose, namely: Lowell, Brighton, Union Freight R. R. Co. incorporated.

May construct side-tracks to wharves and warehouses.

Proviso.

Other railroads may connect tracks for transportation of freight.

Cars may be drawn by steam power during the night.

Rates for freight may be fixed by company.

Company may enter upon and use tracks of other street railroads.

Causeway, Minot, Nashua, Commercial, Prince, Hanover, Fleet, India, Broad, Atlantic avenue, Federal, Kneeland, Cove, Lincoln and Eliot streets, and upon and over such other streets as the board of aldermen of said city may from time to time determine, on the petition of the said corporation; with the right also to construct, use and maintain side tracks from its main tracks to any wharf or wharves or warehouses, when requested, in writing, so to do by a majority in interest of the owners or occupants of such wharves or warehouses: *provided, however*, that no side track shall be laid upon a public street to any wharf or warehouse without the approval of the board of aldermen; and *provided, also*, that the rails for said tracks shall be of such pattern, suitable for railway freight cars in common use, as the board of aldermen may prescribe. Said corporation shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force relating to street railway corporations, and to other railroad corporations, so far as the same may be applicable.

SECTION 2. Every railroad corporation by whose road said Union Freight Railroad passes, may, in the manner prescribed by said board of aldermen, connect its tracks with the same for the transportation of freight; and every such railroad corporation is empowered to make such connections, and in making such connections said railroad corporations shall have all the powers and be subject to all the liabilities set forth in the sixty-third chapter of the General Statutes and in the laws supplemental thereto; and it shall be the duty of said Union Freight Railroad Company to receive and deliver freight cars at each of said connections, and to haul the same over its road at its established rates. The cars on said road may be drawn during the night by steam power, subject to the regulation of said board of aldermen.

SECTION 3. Said corporation shall have the power to fix and collect such tolls for the transportation of freight as they may from time to time deem expedient: *provided*, that said rates shall only be sufficient to pay the reasonable and necessary expenses of said corporation, and to pay a dividend of five per centum semi-annually upon the actual cost of the construction and equipment of its road.

SECTION 4. Said corporation may, within its authorized limits, and for the purposes of this act, enter upon and use any part of the tracks of any other street railroad, and may suitably strengthen and improve such tracks; and if the

corporations cannot agree upon the manner and conditions of such entry and use, or the compensation to be paid therefor, the same shall be determined in accordance with the provisions of the thirty-eighth section of chapter three hundred and eighty-one of the acts of the year eighteen hundred and seventy-one.

SECTION 5. The capital stock of said corporation shall not exceed the sum of five hundred thousand dollars. Capital stock.

SECTION 6. Said corporation shall within four months from the passage of this act, take the tracks, or any part thereof, of the Marginal Freight Railway Company, subject to the laws relating to the taking of land by railroad companies and the compensation to be made therefor. To take tracks of Marginal Freight R. R.

SECTION 7. Chapter one hundred and seventy of the acts of the year eighteen hundred and sixty-seven, entitled an act to incorporate the Marginal Freight Railway Company, and so much of chapter four hundred and sixty-one of the acts of the year eighteen hundred and sixty-nine, as relates to said Marginal Freight Railway Company, are hereby repealed. Repeal.

SECTION 8. The corporate powers conferred by this act shall cease, unless within one year from the date of its passage the Union Freight Railroad Company shall have constructed a track or tracks, in suitable condition for use, in accordance with the terms of this act, connecting one or more of the steam railroads on the northerly side of the city of Boston with one or more of the steam railroads on the southerly side of said city: *provided, however*, that the board of railroad commissioners may at their discretion extend the time herein allowed for building the road for a further period not exceeding one year, on sufficient cause shown. Tracks to be constructed, etc., within one year.

SECTION 9. The provisions of this act, and the franchise, rights, powers, privileges, duties and liabilities of the corporation established under this act may be altered, amended or repealed, and the legislature may annul or dissolve said corporation. Corporation may be annulled by legislature.

SECTION 10. This act shall take effect upon its passage.

Approved May 6, 1872.

AN ACT TO AUTHORIZE THE TOWN OF BROOKLINE TO TAKE WATER FROM CHARLES RIVER.

Chap. 343

Be it enacted, &c., as follows:

SECTION 1. The town of Brookline is hereby authorized to take, hold and convey into and through said town, from Charles River, at any convenient point upon the same, suf- Brookline to be supplied with water.

ficient water for the use of said town and the inhabitants thereof, not exceeding one and a half millions of gallons daily, for the extinguishment of fires, domestic and other purposes; and may also take and hold by purchase or otherwise, any lands or real estate necessary for laying and maintaining aqueducts or pipes, constructing or maintaining reservoirs and such other works as may be deemed necessary or proper for raising, forcing, retaining, distributing, discharging or disposing of said water.

To file description of lands taken, in the registry of deeds.

SECTION 2. The town of Brookline shall, within sixty days from the time they shall take any lands for the purposes of this act, file in the registry of deeds of the county and district in which such lands lie, a description of the lands so taken as certain as is required in a common conveyance of lands, and a statement of the purposes for which they were taken, which description and statement shall be signed by a majority of the selectmen of said town.

May build aqueducts, erect dams and reservoirs, and regulate use of water.

SECTION 3. Said town may make, build and lay down aqueducts and pipes from said source to, into, through and about said town, and secure and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the water taken; may construct and maintain reservoirs within or without said town; and may make, erect and maintain, and carry on such other works as may be necessary and proper for raising the water into the same, and forcing and distributing the water through and about said town; may make and establish such public hydrants and fountains in such places in said town as may, from time to time, be deemed proper, and prescribe the purposes for which the same may be used, and may change or discontinue the same; may distribute the water throughout said town, and for this purpose may lay down pipes to any house or building in said town, the owner or owners thereof having notice and not objecting thereto; may regulate the use of said water, and establish, receive and collect the prices or rents to be paid therefor; and said town may, for the purposes aforesaid, carry, conduct and maintain any aqueducts, pipes or other works, by them to be made, laid down or conducted over, under, through or across any water-course, canal, street, bridge, railroad, highway or other way, in such a manner as not to obstruct the travel or free use thereof; may enter upon and dig up any such road, street or way for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same, and in general may do any other acts and things necessary or convenient and proper for carrying out the purposes of this act.

SECTION 4. The rights, powers and authorities given to said town by this act, shall be exercised by said town subject to the restrictions, duties and liabilities herein contained, in such manner and by such commissioners, officers, agents and servants as said town shall from time to time choose, ordain, appoint and direct. Such commissioners, officers or agents shall be subject to such ordinances, rules and regulations in the execution of their trust as the town may from time to time ordain and establish not inconsistent with the provisions of this act and the laws of the Commonwealth.

Rights to be exercised by commissioners, agents, etc., as town may direct.

SECTION 5. For the purpose of defraying the cost and expenses which may be incurred under the provisions of this act, the town of Brookline, through its treasurer, shall have authority to issue from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof Brookline Water Scrip to an amount not exceeding six hundred thousand dollars, bearing interest not exceeding seven per centum per annum, payable semi-annually; the principal shall be payable at periods not more than thirty years from the issuing of said notes, scrip or certificates respectively. Said treasurer, under the authority of said town, may sell the same or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as he may deem proper, or as may be prescribed by the town. Said town is further authorized to make appropriations, and assess from time to time such amounts not exceeding in one year the sum of twenty thousand dollars towards payment of the principal of the money so borrowed, and also a sum sufficient to pay the interest thereof, in the same manner as money is assessed and appropriated for other town purposes.

Brookline water scrip may be issued, not exceeding \$600,000 at seven per cent. interest.

SECTION 6. The said town of Brookline shall be liable to pay all damages that shall be sustained by any person or persons in their property, by the taking of the waters of said Charles River, or other source of supply, or any part thereof, as authorized by this act, or by the taking of any land, rights of way, water rights or easements, or by the erection of any dams, or the construction of any aqueducts, reservoirs, water-ways or other works for the purposes of this act; and if the owner or owners of any property which shall be taken as aforesaid, or other person or persons sustaining damages as aforesaid, shall not agree on the damages to be paid therefor, he or they may apply by petition for an assessment of the damages at any time within three years from the taking of the said property, or the construction of

Liability for damages.

dams or other works occasioning damages as aforesaid, and not afterwards, to the superior court in the county in which the same are situated. Such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to the said town of Brookline, returnable, if issued in vacation, at the next term of the said court, to be held after the expiration of fourteen days from the filing of said petition; and, if in term time, returnable on such day as said court shall order to appear and answer to the said petition. The said summons shall be served fourteen days at least before the term or day at which it is returnable, by leaving a copy thereof, and of the said petition, certified by the officer who shall serve the same, with the clerk of said town; and the said court may, upon default or hearing of said town, appoint three disinterested persons, who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid; and the award of the said persons so appointed, or a major part of them, being returned into and accepted by the said court, shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party with costs, unless one of said parties shall claim a trial by jury as hereinafter provided.

Parties dissatisfied may have trial by a jury.

SECTION 7. If either of the parties mentioned in the sixth section shall be dissatisfied with the amount of damage awarded, as therein expressed, such party may, at the term at which such award was accepted or the next term thereafter, claim, in writing, a trial in said court, and have a jury to hear and determine at the bar of said court, all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of said jury being accepted and recorded by the said court shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the said parties, respectively, in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

Town may make a tender for damages.

SECTION 8. In every case of a petition to the superior court for the assessment of damages as provided in this act, the town may tender to the complainant, or his attorney, any sum that it shall think proper, or may bring the same into court to be paid to the complainant for the damages by him sustained or claimed in his petition, and if the complainant shall not accept the sum with his costs up to that time, but shall proceed in his suit, he shall be entitled to his costs up to the time of the tender of such payment into

court and not afterwards, unless the complainant shall recover greater damages than were so offered.

SECTION 9. Said town may also, for the purpose of collecting water and supplying the same to said river, make and maintain, upon or near said river, or the streams flowing into the same, or at, upon or near the source of said river or streams, any reservoirs, dams or other suitable structures, and may take and hold, by purchase or otherwise, such real estate, water, water rights or easements as may be necessary or convenient for that purpose. Said town may make any contracts with the proprietors of mills on Charles River, or with the owners of any mills on Charles River, Mother Brook or Neponset River, or with other towns which now are or may be hereafter authorized to take water from Charles River, by which said proprietors or owners or towns, or any of them, shall contribute to the expense of making and maintaining said dams, reservoirs or other suitable structures, and of taking or purchasing any water, water rights, lands or easements for the purpose of collecting water and supplying the same to Charles River as aforesaid. And said town may unite and agree with any other town or towns authorized to take water from said river, in making and maintaining suitable works and structures for their joint use under this act.

May hold land and water rights necessary for supplying water to river.

May contract with mill proprietors concerning payment of expense of constructing dams and reservoirs.

SECTION 10. The town of Brookline may, by a vote of said town, declare the quantity proposed to be taken, not exceeding one and a half million gallons daily, such vote to be passed not less than six months before the waters shall be withdrawn from said river, and a copy of such vote being filed in the registry of deeds for Norfolk county within sixty days thereafter; the terms thereof shall be held to be the measure and limit of the right of said town to take or divert the waters of said river under this act, and in case of a joint taking by any towns under this act the provisions of this section shall apply to such towns jointly, so far as any damage results from such joint taking.

To declare by vote the quantity of water to be taken daily.

SECTION 11. It shall be the duty of said town to provide some reliable means or method of measuring and registering the amount of water taken from Charles River, as soon as they commence taking the same, such register or record to be accessible at all times to any interested parties; and if the owners of any water rights in the waters of said river, and said town, shall fail to agree upon the mode of measurement the method shall be fixed by one or more engineers, to be appointed upon the application of either party, by any justice of the supreme judicial court. And if

To provide a reliable method for measuring water taken.

at any time said town shall take a larger quantity of water from Charles River than it shall have determined by said vote under the tenth section of this act, it shall be liable in an action of tort to any mill owner for any such damage he may have suffered, and may be restrained by injunction from taking such larger quantity of water in a suit in equity brought by any such mill owner or other party.

No application to be made for damages until water is actually withdrawn.

SECTION 12. No application shall be made to the court for the assessment of damages for the taking of any water rights, or for any injury thereto, until the water is actually withdrawn or diverted by said town under the authority of this act.

Penalty for unlawfully using water, wantonly diverting the same or rendering it impure.

SECTION 13. If any person shall use any water taken under this act without the consent of said town, or shall wantonly or maliciously divert the water, or any part thereof, taken or held by said town, pursuant to the provisions of this act, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said town under the authority of and for the purposes of this act, he shall forfeit and pay to said town three times the amount of damage assessed therefor, to be recovered in an action of tort, and on conviction of either of the wanton or malicious acts aforesaid, may be also punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Occupant of tenement liable for water rent.

SECTION 14. The occupant of any tenement shall be liable for the payment of the rent for the use of water in such tenement, and the owner shall also be liable, if, on being notified of such use, he does not object thereto.

Water may be used to generate steam.

SECTION 15. The water taken under this act shall not be used in any way as a motive power, except for generating steam.

Existing rights not affected.

SECTION 16. Nothing in this act shall be construed to affect any existing rights of said town to draw water from said river.

Repeal.

SECTION 17. Chapter three hundred and forty-three of the acts of the year eighteen hundred and sixty-seven is hereby repealed.

Subject to acceptance by vote of the town.

SECTION 18. This act shall take effect upon its passage, and it shall become void unless accepted by a majority of the legal voters of the town of Brookline present and voting thereon, at a legal meeting held within two years from the time of the passage of this act.

Approved May 6, 1872.

AN ACT TO SUPPLY THE TOWN OF NEWTON WITH WATER.

Chap. 344

Be it enacted, &c., as follows :

SECTION 1. The town of Newton is hereby authorized to take, hold and convey into and through said town, from Charles River at any convenient point upon the same, within said town, sufficient water for the use of said town and inhabitants, not exceeding one and a half million gallons daily, for the extinguishment of fires, domestic and other purposes ; and may also take and hold by purchase or otherwise, any lands or real estate necessary for laying and maintaining aqueducts or pipes, constructing or maintaining reservoirs and such other works as may be deemed necessary or proper for raising, forcing, retaining, distributing, discharging or disposing of said water.

Newton to be supplied with water from Charles River.

SECTION 2. The town of Newton shall, within sixty days from the time they shall take any lands for the purposes of this act, file in the registry of deeds of the county and district in which such lands lie, a description of the lands so taken as certain as is required in a common conveyance of lands, and a statement of the purposes for which they were taken, which description and statement shall be signed by a majority of the selectmen of said town.

To file in registry of deeds description of land taken.

SECTION 3. Said town may make, build and lay down aqueducts and pipes from said source to, into, through and about said town, and secure and maintain the same by any works suitable therefor ; may erect and maintain dams to raise and retain the water taken ; may construct and maintain reservoirs within or without said town ; and may make, erect and maintain, and carry on such other works as may be necessary or proper for raising the water into the same, and forcing and distributing the water through and about said town ; may make and establish such public hydrants and fountains in such places in said town as may, from time to time, be deemed proper, and prescribe the purposes for which the same may be used, and may change or discontinue the same ; may distribute the water throughout said town, and for this purpose may lay down pipes to any house or building in said town, the owner or owners thereof having notice and not objecting thereto ; may regulate the use of said water, and establish, receive and collect the prices or rents to be paid therefor ; and said town may, for the purposes aforesaid, carry and conduct and maintain any aqueducts, pipes or other works, by them to be made, laid down or conducted over, under, through or across any water-course, canal, street, bridge, railroad, highway or other way, in such a manner as not to obstruct the travel or free use

May build aqueducts, erect dams and reservoirs, and regulate use of water.

thereof; may enter upon and dig up any such road, street or way for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same, and in general may do any other acts and things necessary or convenient and proper for carrying out the purposes of this act.

Rights to be exercised by commissioners, agents, etc., as town may direct.

SECTION 4. The rights, powers and authorities given to said town by this act, shall be exercised by said town subject to the restrictions, duties and liabilities herein contained, in such manner and by such commissioners, officers, agents and servants as said town shall from time to time choose, ordain, appoint and direct. Such commissioners, officers or agents shall be subject to such ordinances, rules and regulations in the execution of their trust as the town may from time to time ordain and establish not inconsistent with the provisions of this act and the laws of the Commonwealth.

Newton water scrip may be issued not exceeding \$600,000 at seven per cent. interest.

SECTION 5. For the purpose of defraying the cost and expenses which may be incurred under the provisions of this act, the town of Newton, through its treasurer, shall have authority to issue from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof Newton Water Scrip, to an amount not exceeding six hundred thousand dollars, bearing interest not exceeding seven per centum per annum, payable semi-annually; the principal shall be payable at periods not more than thirty years from the issuing of said notes, scrip or certificates respectively. Said treasurer, under the authority of said town may sell the same or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as he may deem proper, or as may be prescribed by the town. Said town is further authorized to make appropriations, and assess from time to time such amounts not exceeding in one year the sum of twenty thousand dollars towards payment of the principal of the money so borrowed, and also a sum sufficient to pay the interest thereof, in the same manner as money is assessed and appropriated for other town purposes.

Liability for damages.

SECTION 6. Said town of Newton shall be liable to pay all damages that shall be sustained by any person or persons in their property, by the taking of the waters of Charles River or other source of supply, or any part thereof, as authorized by this act, or by the taking of any land, rights of way, water rights, or easements, or by the erection of any dams, or the construction of any aqueducts, reservoirs, water-ways, or other works for the purposes of this act; and if the owner or owners of any property which shall be taken as aforesaid

or other person or persons sustaining damages as aforesaid, shall not agree on the damages to be paid therefor, he or they may apply by petition for an assessment of the damages at any time within three years from the taking of the said property, or the construction of dams or other works occasioning damages as aforesaid, and not afterwards, to the superior court in the county in which the same are situated. Such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to the said town of Newton, returnable, if issued in vacation, at the next term of the said court to be held after the expiration of fourteen days from the filing of said petition; and if in term time, returnable on such day as said court shall order, to appear and answer to the said petition; the said summons shall be served fourteen days at least before the term or day at which it is returnable, by leaving a copy thereof and of the said petition, certified by the officer who shall serve the same, with the clerk of said town, and the said court may upon default or hearing of said town, appoint three disinterested persons, who shall after reasonable notice to the parties assess the damages, if any, which such petitioner may have sustained as aforesaid, and the award of the said persons so appointed or a major part of them, being returned into and accepted by the said court, shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party, with costs, unless one of said parties shall claim a trial by jury as hereinafter provided.

SECTION 7. If either of the parties mentioned in the sixth section shall be dissatisfied with the amount of damage awarded, as therein expressed, such party may, at the term at which such award was accepted, or the next term thereafter, claim, in writing, a trial in said court, and have a jury to hear and determine, at the bar of said court, all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of said jury being accepted and recorded by the said court, shall be final and conclusive, and judgment shall be rendered, and execution issued thereon, and costs shall be recovered by the said parties respectively in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

Parties dissatisfied may have trial by a jury.

SECTION 8. In every case of a petition to the superior court for the assessment of damages as provided in this act, the town may tender to the complainant, or his attorney, any sum that it shall think proper, or may bring the same into court to be paid to the complainant for damages by him

Town may make a tender for damages.

sustained or claimed in his petition, and if the complainant shall not accept the sum with his costs up to that time, but shall proceed in his suit, he shall be entitled to his costs up to the time of the tender of such payment into court and not afterwards, unless the complainant shall recover greater damages than were so offered.

May hold land and water-rights necessary for supplying water to river.

May contract with mill-proprietors concerning payment of expense of building dams and reservoirs.

SECTION 9. Said town may also, for the purpose of collecting water and supplying the same to said river, make and maintain upon or near said river, or the streams flowing into the same, or at, upon or near the source of said river or streams, any reservoirs, dams or other suitable structures, and may take and hold, by purchase or otherwise, such real estate, water, water rights or easements as may be necessary or convenient for that purpose. Said town may make any contracts with the proprietors of mills on Charles River, or with the owners of any mills on Charles River, Mother Brook or Neponset River, or with other towns which now are or hereafter may be authorized to take water from Charles River, by which said proprietors or owners or towns, or any of them, shall contribute to the expense of making and maintaining said dams, reservoirs or other suitable structures, and of taking or purchasing any water, water rights, lands or easements for the purpose of collecting water and supplying the same to Charles River as aforesaid. The outlet from any reservoir established under this act, for the collection of water shall be under the control of said proprietors. And said town may unite and agree with any other town or towns authorized to take water from said river, in making and maintaining suitable works and structures for their joint use under this act.

To declare by vote the quantity of water to be taken daily.

SECTION 10. The town of Newton may, by a vote of said town, declare the quantity of water proposed to be taken, not exceeding one and a half million gallons daily, such vote to be passed not less than six months before the waters shall be withdrawn from said river, and a copy of such vote being filed in the registry of deeds for the southern district of the county of Middlesex within sixty days thereafter; the terms thereof shall be held to be the measure and limit of the right of said town to take or divert the waters of said river under this act, and in case of a joint taking by any towns under this act the provisions of this section shall apply to such towns jointly, so far as any damage results from such joint taking.

To provide a reliable method for measuring water taken.

SECTION 11. It shall be the duty of said town to provide some reliable means or method of measuring and registering the amount of water taken from Charles River, as soon as

they commence taking the same, such register or record to be accessible at all times to any interested parties; and if the owners of any water rights in the waters of said river, and said town, shall fail to agree upon the mode of measurement, the method shall be fixed by one or more engineers, to be appointed upon the application of either party, by any justice of the supreme judicial court. And if at any time said town shall take a larger quantity of water from Charles River than it shall have determined by said vote under the tenth section of this act, it shall be liable in an action of tort to any mill owner for any such damage he may have suffered, and may be restrained by injunction from taking such larger quantity of water in a suit in equity brought by any such mill owner or other party.

SECTION 12. No application shall be made to the court for the assessment of damages for the taking of any water rights, or for any injury thereto until the water is actually withdrawn or diverted by said town under the authority of this act.

No application to be made for damages until water is actually withdrawn.

SECTION 13. If any person shall use any water taken under this act without the consent of said town, or shall wantonly or maliciously divert the water or any part thereof, taken or held by said town, pursuant to the provisions of this act, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said town of Newton under the authority of and for the purposes of this act, he shall forfeit and pay to said town three times the amount of damage assessed therefor, to be recovered in an action of tort, and on conviction of either of the wanton or malicious acts aforesaid, may be also punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Penalty for unlawfully using water, wantonly diverting the same, or rendering it impure.

SECTION 14. The occupant of any tenement shall be liable for the payment of the rent for the use of water in such tenement, and the owner shall also be liable, if, on being notified of such use, he does not object thereto.

Occupant of tenement liable for water rent.

SECTION 15. The water taken under this act shall not be used in any way as a motive power, except for generating steam.

Water may be used to generate steam.

SECTION 16. Nothing in this act shall be construed to affect any existing right of the town of Newton to draw water from said river.

Existing rights not affected.

SECTION 17. This act shall take effect upon its passage, and shall become void unless accepted by a majority of the legal voters of the town of Newton, present and voting

Subject to acceptance by vote of the town.

thereon, at a legal meeting held within two years from the time of the passage of this act.

Approved May 6, 1872.

Chap. 345

Springfield to be supplied with water from Connecticut or Chicopee Rivers.

To file in registry of deeds, description of land taken.

May build aqueducts, erect dams and reservoirs, and regulate use of water.

AN ACT TO SUPPLY THE CITY OF SPRINGFIELD WITH WATER.

Be it enacted, &c., as follows:

SECTION 1. The city of Springfield may take, hold and convey into and through said city from the Connecticut River, at any convenient point within the limits of said city, or from the Chicopee River, at any convenient point within the limits of said city or the town of Wilbraham, sufficient water for the use of said city and inhabitants, for the extinguishment of fires, domestic and other purposes; and may also take and hold by purchase or otherwise any lands or real estate necessary for laying and maintaining aqueducts or pipes, constructing or maintaining reservoirs, dams and such other works as may be necessary or proper for raising, forcing, retaining, distributing, discharging or disposing of said water.

SECTION 2. The city of Springfield shall, within sixty days from the time they shall take any lands for the purposes of this act, file in the registry of deeds of the county and district in which such lands lie, a description of the lands so taken as certain as is required in a common conveyance of lands, and a statement of the purposes for which they were taken, which description and statement shall be signed by a majority of the water commissioners hereinafter named.

SECTION 3. The said city may make, build and lay down aqueducts and pipes from said sources to, into, through and about said city, and secure and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the water taken; may construct and maintain reservoirs within or without said city; and may make, erect and maintain, and carry on such other works as may be necessary or proper for raising the water into the same, and forcing and distributing the water through and about said city; may make and establish such public hydrants and fountains in such places in said city as may, from time to time, be deemed proper, and may prescribe the purposes for which the same may be used, and may change or discontinue the same; may distribute the water throughout said city, and for this purpose may lay down pipes to any house or building in said city, the owner or owners thereof having notice and not objecting thereto; may regulate the use of said water, and establish, receive and collect the prices or rents to be paid therefor; and said city may, for the pur-

poses aforesaid, carry and conduct and maintain any aqueducts, pipes or other works, by them to be made, laid down or conducted over, under, through or across any water-course, canal, street, bridge, railroad, highway or other way, in such a manner as not to obstruct the travel or free use thereof; may enter upon and dig up any such road, street or way for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same, and in general may do any other acts and things necessary or convenient and proper for carrying out the purposes of this act.

SECTION 4. Said city of Springfield shall pay all damages to which any persons or corporations are entitled, by reason of the taking of any lands, water, or water-rights, or by the construction or repairing of any dams, aqueducts or other works, for the purposes aforesaid. If any person or corporation sustaining damages as aforesaid, cannot agree with the city upon the amount of such damages, they may have them assessed by the county commissioners for the county of Hampden, by making a written application therefor within one year after sustaining such damages; and either party aggrieved by the doings of said commissioners in the estimation of said damages, may have the same settled by a jury; and if the damages are increased by the jury, the city shall pay all legal costs; but otherwise, the said costs shall be paid by the party claiming damages; and the said commissioners and jury shall have the same powers, and the proceedings shall in all other respects be conducted in the same manner as provided in case of taking land for highways.

Liability for damages.

Parties dissatisfied may have a trial by jury.

SECTION 5. The rights, powers and authority granted to the city of Springfield by this act, shall be vested in and exercised by a board of water commissioners, consisting of five citizens of said city, who shall be elected by the legal voters of said city at an election which shall be legally ordered and held at the same time and date that the said city shall vote upon the acceptance of this act. The said commissioners shall serve until the first day of January of the year eighteen hundred and seventy-five. Thereafter the rights, powers and authority granted to the said city by this act shall be vested in and exercised by a board of water commissioners, consisting of three citizens of said city, who shall be chosen by the city council of said city, one for the term of one year from the first day of January in the year eighteen hundred and seventy-five, one for the term of two years, one for the term of three years, and annually thereafter one water commissioner shall be so chosen to serve for the term of three years.

Rights to be exercised by water commissioners.

Compensation
of commission-
ers.

Said commissioners shall receive such compensation as the city council of said city may prescribe, and a majority of said commissioners shall be a quorum for the exercise of the powers and duties prescribed by this act.

"Springfield
Water Bonds"
may be issued,
not exceeding
\$1,000,000 at
seven per cent.
interest.

SECTION 6. For the purpose of paying all necessary expenses and liabilities incurred under the provisions of this act, said city shall issue coupon bonds, signed by the treasurer of said city, to be denominated "Springfield Water Bonds," to an amount not exceeding one million dollars, payable at periods not exceeding thirty years from the date thereof, with interest payable semi-annually at a rate not exceeding seven per centum per annum; and said city may sell said bonds at public or private sale, or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper, and may raise money by taxation to pay said bonds and interest thereon when due; but said city shall not raise more than twenty-five thousand dollars in any one year towards payment of the principal of said bonds, except the year in which the same may become due.

Rents for use of
water to be
fixed by com-
missioners.

SECTION 7. The said water commissioners shall establish such prices or rents for the use of the water, as to provide annually, if practicable, from the net income and receipts therefor for the payment of the interest on said water bonds, and also after three years from the introduction of the water into said city, for the further payment of not less than one per centum of the principal of said bonds. The net surplus income and receipts, after deducting all expenses, interest and charges of distribution, shall be set apart as a sinking fund, and applied solely to the payment of the principal of said bonds until the same are fully paid and discharged. The said water commissioners shall be trustees of said fund, and shall annually, and as often as the city council may require, render an account of all their doings in relation thereto.

If water is
taken from
Chicopee River,
some reliable
method for
measuring wa-
ter must be pro-
vided.

SECTION 8. If the said city shall elect to take water from the Chicopee River, it shall be the duty of the water commissioners to provide some reliable means or method of measuring and registering the amount of water taken, as soon as they commence taking the same, such register or record to be accessible at all times to any interested parties; and if the owners of any water rights in the waters of said river, and said city, shall fail to agree upon the mode of measurement, the method shall be fixed by one or more engineers, to be appointed upon the application of either party, by any justice of the supreme judicial court.

SECTION 9. If any person shall use any water taken under this act without the consent of said city, or shall wantonly or maliciously divert the water, or any part thereof, taken or held by said city, pursuant to the provisions of this act, or corrupt the same or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property held, owned or used by said city under the authority of and for the purposes of this act, he shall forfeit and pay to said city three times the amount of damage assessed therefor, to be recovered in an action of tort, and on conviction of either of the wanton or malicious acts aforesaid, may be also punished by fine not exceeding three hundred dollars, or by imprisonment in jail not exceeding one year.

Penalty for unlawfully using water, wantonly diverting the same, or rendering it impure.

SECTION 10. The occupant of any tenement shall be liable for the payment of the rent for the use of water in such tenement, and the owner shall also be liable, if, on being notified of such use, he does not object thereto.

Occupant of tenement liable for water rent.

SECTION 11. The said city of Springfield shall take, hold and use, the franchise and all of the reservoirs, dams, pipes, hydrants and other property now owned and held by the Springfield Aqueduct Company, upon the payment by the said city to the said Springfield Aqueduct Company of such a sum as shall be mutually agreed upon by and between them; and in case they shall not so agree upon the sum to be paid, the same proceedings may be had as is provided in the fourth section of this act, for the payment of damages to any persons or corporations injured by the taking of their lands, water or water rights.

City may take franchise held by Springfield Aqueduct Co.

SECTION 12. The water taken under this act shall not be used in any way as a motive power, except for generating steam.

Water may be used to generate steam.

SECTION 13. Nothing in this act shall be construed to affect any existing right of said city of Springfield to draw water from said rivers.

Existing rights not affected.

SECTION 14. This act shall take effect upon its passage, and shall become void unless accepted by a majority of the legal voters of the city of Springfield, present and voting thereon, at a legal meeting which shall be called in their several ward-rooms for that purpose, by the mayor and aldermen of said city, within sixty days from the passage of this act, at which meeting the check-list shall be used.

Subject to acceptance by vote of the city.

Approved May 6, 1872.

Chap. 346 AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows :

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, unless otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit:—

Timothy Murphy.

In the resolve, chapter two, in favor of Timothy Murphy, for injuries received at the Hoosac Tunnel, the sum of two hundred dollars.

Luke Worthley.

In the resolve, chapter three, in favor of Luke Worthley, for fines and costs paid by him for Luke W. Worthley, the sum of fifty-five dollars and ninety-five cents.

Benjamin Evans.

In the resolve, chapter four, in favor of Benjamin Evans, for services and expenses incurred as agent for the Newburyport bridge, the sum of one hundred and forty-one dollars and sixty-six cents.

Charlestown.

In the resolve, chapter five, in favor of the city of Charlestown, for the re-imbusement of moneys paid for militia uniforms, the sum of one hundred dollars.

Chicago Law Institute.

In the resolve, chapter seven, authorizing documents to be furnished to the law institute at Chicago, a sum not exceeding one hundred dollars.

State library.

In the resolve, chapter nine, providing for additional partitions, cases, shelves and contingent expenses for the state library, a sum not exceeding three hundred dollars.

Soldiers' testimonials.

In the resolve, chapter ten, relating to soldiers' testimonials, a sum not exceeding two thousand dollars.

Soldiers' employment bureau.

In the resolve, chapter eleven, in favor of the disabled soldiers' employment bureau, the sum of three thousand dollars.

Normal school at Westfield.

In the resolve, chapter thirteen, relating to the erection of a boarding-house for the state normal school at Westfield, the sum of seventy-five thousand dollars, payable from the Massachusetts school fund, in accordance with the provisions of said resolve.

Robert Channell.

In the resolve, chapter fourteen, in favor of Robert Channell, for injuries received while in service as a member of company A, first battalion of cavalry Massachusetts volunteer militia, the sum of one thousand dollars.

Advertising.

In the resolve, chapter sixteen, relating to the contract for state printing, a sum not exceeding one hundred dollars, for advertising.

Helen Whitman.

In the resolve, chapter seventeen, in favor of Helen Whitman, in payment of Massachusetts union loan bonds

lost, the sum of two hundred twenty-six dollars and fifty cents.

In the resolve, chapter eighteen, in favor of the town of Blackstone.
Blackstone, the sum of seventy-four dollars and fifty cents.

In the resolve, chapter nineteen, in favor of the Hingham
institution for savings, for the re-imbursement of taxes
overpaid, the sum of one thousand sixty-nine dollars and
forty-three cents.

In the resolve, chapter twenty, relating to flats and
marshes on East Harbor Creek in Provincetown and Truro,
a sum not exceeding five thousand dollars.

In the resolve, chapter twenty-one, in favor of the state
primary school at Monson, a sum not exceeding five thou-
sand five hundred eighty-four dollars and ten cents, viz.: for
the purchase of land, the sum of two thousand dollars; and
for fitting the institution with gas fixtures, the sum of two
thousand five hundred eighty-four dollars and ten cents.

In the resolve, chapter twenty-two, to provide the towns
of Norwood and Holbrook with law reports, general and
special laws, standard weights, measures and balances, a
sum not exceeding two thousand dollars.

In the resolve, chapter twenty-three, in favor of the town
of Milford, for the support of state paupers, the sum of one
thousand four hundred dollars.

In the resolve, chapter twenty-four, in favor of the town
of Adams, for the re-imbursement of taxes overpaid, the
sum of four hundred ninety-two dollars and seventy-eight
cents.

In the resolve, chapter twenty-five, in favor of George S.
Merrill, for damages sustained by the fourth Massachusetts
battery in the loss of a horse, the sum of two hundred
three dollars and sixty-four cents.

In the resolve, chapter twenty-six, in favor of the widow
of the late Moses R. Colman, for his compensation as a
member of the present house of representatives, the sum of
six hundred and sixty-three dollars.

In the resolve, chapter twenty-seven, in favor of the Shel-
burne Falls five cents savings bank, for taxes overpaid, the sum
of two hundred seventy-eight dollars and eighty-eight cents.

In the resolve, chapter twenty-eight, in favor of the
Massachusetts charitable eye and ear infirmary, the sum of
six thousand dollars.

In the resolve, chapter thirty, for repairs and improve-
ments at the state almshouse in Tewksbury, a sum not
exceeding twelve thousand dollars.

Workhouse,
Bridgewater.

In the resolve, chapter thirty-four, in favor of the state workhouse at Bridgewater, a sum not exceeding five thousand dollars.

Jane Parks.

In the resolve, chapter thirty-five, in favor of Jane Parks, the sum of one hundred dollars in addition.

James Ritchie.

In the resolve, chapter thirty-six, in favor of James Ritchie, the sum of one hundred fifty-four dollars and forty-five cents.

Edward M.
Gardner.

In the resolve, chapter thirty-seven, in favor of the widow of the late Edward M. Gardner, judge of probate and insolvency for the county of Nantucket, the sum of four hundred twenty-three dollars and thirty cents.

Female prison-
ers.

In the resolve, chapter thirty-eight, in favor of discharged female prisoners, the sum of one thousand five hundred dollars.

Reform school.

In the resolve, chapter forty, in favor of the reform school for boys, a sum not exceeding five thousand dollars in addition to the amount heretofore appropriated for current expenses for the present year.

Charlestown.

In the resolve, chapter forty-one, in favor of the city of Charlestown, the sum of five hundred and seventy-six dollars and fifty-nine cents.

Flavius A. Post.

In the resolve, chapter forty-two, in favor of Flavius A. Post, the sum of one hundred and twenty dollars, on account of state aid for the year eighteen hundred and seventy-one.

Massachusetts
Digest.

In the resolve, chapter forty-four, authorizing the distribution of the "Massachusetts Digest" to cities and towns, a sum not exceeding one thousand nine hundred and twenty-five dollars.

Reimburse-
ment for taxes.

In the resolve, chapter forty-six, authorizing the reimbursement of sundry corporations for taxes collected on shares of national banks, a sum not exceeding twenty-five thousand dollars.

William P.
Sargent & Co.

In the resolve, chapter forty-eight, in favor of Wm. P. Sargent and Company, the sum of four hundred and seventy-five dollars.

Nelson J.
Webster.

In the resolve, chapter forty-nine, in favor of Nelson J. Webster, the sum of two hundred and eighty-eight dollars, on account of state aid.

Assistant clerk
southern dis-
trict court.

In the act, chapter forty-four, establishing the salary of an assistant-clerk for the municipal court of the southern district of Boston, the sum of eight hundred dollars.

Transportation
of state pau-
pers.

In the act, chapter forty-five, providing for the reimbursement of cities and towns for expenses incurred in the transportation of state paupers, a sum not exceeding one thousand dollars.

In the act, chapter seventy-seven, establishing the salary of the justice of the police court in Fall River, the sum of three hundred dollars, in addition to the amount heretofore appropriated for the present year.

Police court,
Fall River.

In the act, chapter one hundred and eight, establishing the salaries of the justice and clerk of the police court in Charlestown, the sum of four hundred dollars, viz.: for the salary of the justice, the sum of two hundred dollars, and for the salary of the clerk, the sum of two hundred dollars; the same to be in addition to the appropriations heretofore made for the present year.

Police court,
Charlestown.

In the act, chapter one hundred and forty-one, establishing the salaries of the justice and clerk of the police court in Lynn, the sum of five hundred dollars, viz.: for the salary of the justice, the sum of three hundred dollars, and for the salary of the clerk, the sum of two hundred dollars; the same to be in addition to the appropriations heretofore made for the present year.

Police court,
Lynn.

In the act, chapter one hundred and fifty-two, establishing the third district court of southern Worcester, the sum of eight hundred dollars, for the salary of the justice thereof, for the present year.

District court
of southern
Worcester.

In the act, chapter one hundred and fifty-nine, establishing the salary of the clerk of the police court in Lowell, the sum of one hundred dollars in addition to the appropriation heretofore made for the present year.

Police court,
Lowell.

In the act, chapter one hundred and sixty-three, establishing the salary of a clerk for the police court in Springfield, the sum of seven hundred and fifty dollars for the present year.

Police court,
Springfield.

In the act, chapter one hundred and ninety-nine, establishing the central district court of Worcester, the sum of two thousand dollars for the salary of the justice; and one thousand six hundred sixty-six dollars and sixty-seven cents, for the salary of the clerk thereof, for the present year.

Central district
court, Wor-
cester.

In the act, chapter two hundred, establishing the first district court of eastern Worcester, four hundred dollars for the salary of the justice thereof, for the present year.

First district
court.

In the act, chapter two hundred and one, establishing the second district court of southern Worcester, the sum of five hundred dollars for the salary of the justice thereof, for the present year.

Second district
court.

In the act, chapter two hundred and four, establishing the salaries of the treasurer and receiver-general, and of the extra clerks in his department, the sum of one thousand nine hundred dollars, viz.: for the salary of the treasurer, the sum

Treasurer and
receiver-gen-
eral.

of one thousand five hundred dollars, and for the salaries of the extra clerks, the sum of four hundred dollars; the same to be in addition to the appropriations heretofore made for the present year.

Military camp ground.

In the act, chapter two hundred and five, authorizing the purchase and preparation of a military camp ground, a sum not exceeding thirty-five thousand dollars.

Tax commissioner, first clerk.

In the act, chapter two hundred and twenty-seven, establishing the salary of the first clerk in the tax commissioner's office, a sum not exceeding two hundred and twenty-five dollars in addition to the amount heretofore appropriated for the present year.

Police court, Somerville.

In the act, chapter two hundred and thirty-three, establishing the police court of Somerville, a sum not exceeding one thousand two hundred and thirty-four dollars for the present year, viz.: for the salary of the justice seven hundred dollars; and for the salary of the clerk, five hundred and thirty-four dollars.

District court, N. Middlesex.

In the act, chapter two hundred and sixty-nine, establishing the first district court of northern Middlesex, the sum of five hundred dollars for the salary of the justice thereof, for the present year.

Fugitives from justice.

For the arrest of fugitives from justice, a sum not exceeding one thousand five hundred dollars in addition to the amount heretofore appropriated for the present year.

Tax commissioner, clerical services and contingent expenses.

For clerical services and contingent expenses in the office of the tax commissioner, a sum not exceeding two thousand seven hundred dollars in addition to the appropriations heretofore made for the present year, viz.: for clerical services two thousand five hundred dollars; and for contingent expenses two hundred dollars.

Surgeon-general.

For contingent expenses of the surgeon-general, a sum not exceeding one thousand dollars in addition to the appropriation heretofore made for the present year.

Quartermaster's supplies.

For quartermasters' supplies, a sum not exceeding three thousand dollars in addition to the appropriation heretofore made for the present year.

Military accounts.

For military accounts for the year eighteen hundred and seventy, a sum not exceeding two hundred and fifteen dollars.

President and Grand Duke Alexis.

For military services rendered under orders of the commander-in-chief in the performance of escort duty at the reception of the president of the United States and the Duke Alexis, in the year eighteen hundred and seventy-one, a sum not exceeding four thousand four hundred and forty-eight dollars.

For expenses of the inspector of gasmeters for the year eighteen hundred and seventy-one and previous years, a sum not exceeding five hundred and forty dollars.

Inspector of
gasmeters.

For contingent expenses of the insurance commissioner, a sum not exceeding five hundred dollars in addition to the amount heretofore appropriated for the present year.

Insurance com-
missioner.

For expenses of legislative committees in the year eighteen hundred and seventy-one, a sum not exceeding two hundred and fifty dollars.

Legislative
committees.

For expenses of the Massachusetts nautical school, a sum not exceeding six thousand dollars in addition to the appropriation heretofore made for the present year.

Nautical
school.

For the payment of state aid, as authorized in sundry special acts and resolves, a sum not exceeding five hundred dollars.

State aid.

For the publication of the Provincial Statutes, as authorized by the resolves of eighteen hundred and sixty-five, chapter forty-three, and of eighteen hundred and sixty-six, chapter thirty-five, a sum not exceeding seven thousand dollars in addition.

Provincial
Statutes.

For expenses incurred in the erection of outside swinging doors at the entrances of the hall of the house of representatives, as ordered by the house, a sum not exceeding three hundred twenty-three dollars and eighty-nine cents.

Swinging doors
for house of
representa-
tives.

For expenses accruing under the order of the legislature placing the ventilating arrangements of the state house in charge of the engineers who planned them, a sum not exceeding six hundred dollars.

Ventilating.

For such additional clerical assistance as the secretary may find necessary, a sum not exceeding two thousand five hundred dollars in addition to the appropriation heretofore made for the present year.

Secretary, cle-
rical assistance.

For such additional clerical assistance as the auditor may find necessary, a sum not exceeding four hundred dollars in addition to the appropriation heretofore made for the present year.

Auditor, cler-
ical assistance.

For incidental and contingent expenses of the treasurer and receiver-general, a sum not exceeding one thousand dollars, in addition to the amount heretofore appropriated for the present year.

Treasurer, inci-
dental ex-
penses.

For the salary of the commissioner for the purchase and sale of spirituous liquors, a sum not exceeding two thousand dollars.

Liquor commis-
sioner.

For the salary of the assayer and inspector of liquors, a sum not exceeding one thousand five hundred dollars.

Assayer.

Legislative committees.

For expenses of legislative committees, a sum not exceeding two thousand dollars, in addition to the amount heretofore appropriated for the present year.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1872.

Chap. 347 AN ACT TO APPORTION AND ASSESS A STATE TAX OF TWO MILLION DOLLARS.

Assessment of cities and towns.

Be it enacted, &c., as follows:

SECTION 1. Each town and city in this Commonwealth shall be assessed and pay the several sums with which they stand respectively charged in the following schedule, that is to say:—

BARNSTABLE COUNTY.

Barnstable county.	Barnstable, . . .	Four thousand one hundred and eighty dollars,	\$4,180 00
	Brewster, . . .	One thousand one hundred and forty dollars,	1,140 00
	Chatham, . . .	One thousand seven hundred dollars,	1,700 00
	Dennis, . . .	Two thousand four hundred and forty dollars,	2,440 00
	Eastham, . . .	Four hundred and twenty dollars,	420 00
	Falmouth, . . .	Two thousand and twenty dollars,	2,020 00
	Harwich, . . .	One thousand nine hundred and eighty dollars,	1,980 00
	Mashpee, . . .	One hundred and sixty dollars,	160 00
	Orleans, . . .	One thousand dollars,	1,000 00
	Provincetown, . . .	Three thousand two hundred and eighty dollars,	3,280 00
	Sandwich, . . .	Two thousand three hundred and forty dollars,	2,340 00
	Truro, . . .	Six hundred and sixty dollars,	660 00
	Wellfleet, . . .	One thousand four hundred and eighty dollars,	1,480 00
	Yarmouth, . . .	Two thousand two hundred and eighty dollars,	2,280 00
			\$25,080 00

BERKSHIRE COUNTY.

Berkshire county.	Adams, . . .	Nine thousand nine hundred and sixty dollars,	\$9,960 00
	Alford, . . .	Four hundred and forty dollars,	440 00

Berkshire County—Continued.

Becket, . . .	Eight hundred and eighty dollars, . . .	\$880 00
Cheshire, . . .	One thousand three hundred and eighty dollars, . . .	1,380 00
Clarksburg, . . .	Four hundred and twenty dollars, . . .	420 00
Dalton, . . .	One thousand four hundred and eighty dollars, . . .	1,480 00
Egremont, . . .	Eight hundred and sixty dollars, . . .	860 00
Florida, . . .	Five hundred and forty dollars, . . .	540 00
Gt. Barrington, . . .	Six thousand three hundred and forty dollars, . . .	6,340 00
Hancock, . . .	Seven hundred dollars, . . .	700 00
Hinsdale, . . .	One thousand four hundred dollars, . . .	1,400 00
Lanesborough, . . .	One thousand one hundred and eighty dollars, . . .	1,180 00
Lee, . . .	Two thousand seven hundred and forty dollars, . . .	2,740 00
Lenox, . . .	Two thousand and eighty dollars, . . .	2,080 00
Monterey, . . .	Five hundred and twenty dollars, . . .	520 00
Mt. Washington, . . .	One hundred and sixty dollars, . . .	160 00
New Ashford, . . .	One hundred and sixty dollars, . . .	160 00
New Marlboro', . . .	One thousand four hundred and eighty dollars, . . .	1,480 00
Otis, . . .	Six hundred dollars, . . .	600 00
Peru, . . .	Three hundred and twenty dollars, . . .	320 00
Pittsfield, . . .	Eleven thousand eight hundred and forty dollars, . . .	11,840 00
Richmond, . . .	Eight hundred and eighty dollars, . . .	880 00
Sandisfield, . . .	Nine hundred and twenty dollars, . . .	920 00
Savoy, . . .	Five hundred dollars, . . .	500 00
Sheffield, . . .	One thousand nine hundred and eighty dollars, . . .	1,980 00
Stockbridge, . . .	Three thousand two hundred and eighty dollars, . . .	3,280 00
Tyringham, . . .	Four hundred and sixty dollars, . . .	460 00
Washington, . . .	Four hundred and sixty dollars, . . .	460 00
W. Stockbridge, . . .	One thousand five hundred dollars, . . .	1,500 00

Berkshire County—Concluded.

Williamstown, .	Two thousand five hundred dollars, .	\$2,500 00
Windsor, .	Five hundred and twenty dollars, .	520 00
		<hr/> \$58,480 00

BRISTOL COUNTY.

Bristol county.	Acushnet, .	One thousand dollars, . . .	\$1,000 00
	Attleborough, .	Four thousand four hundred and forty dollars, . . .	4,440 00
	Berkley, .	Five hundred and forty dollars, .	540 00
	Dartmouth, .	Three thousand two hundred and sixty dollars, . . .	3,260 00
	Dighton, .	One thousand three hundred and eighty dollars, . . .	1,380 00
	Easton, .	Four thousand and forty dollars, .	4,040 00
	Fairhaven, .	Two thousand four hundred and forty dollars, . . .	2,440 00
	Fall River, .	Thirty-six thousand one hundred and sixty dollars, . . .	36,160 00
	Freetown, .	One thousand two hundred and twenty dollars, . . .	1,220 00
	Mansfield, .	One thousand five hundred and twenty dollars, . . .	1,520 00
	New Bedford, .	Thirty-two thousand two hundred and eighty dollars, . . .	32,280 00
	Norton, .	One thousand three hundred dollars, .	1,300 00
	Raynham, .	One thousand six hundred and eighty dollars, . . .	1,680 00
	Rehoboth, .	One thousand three hundred dollars, .	1,300 00
	Seekonk, .	Eight hundred and eighty dollars, .	880 00
	Somerset, .	One thousand five hundred and twenty dollars, . . .	1,520 00
	Swanzey, .	One thousand and forty dollars, .	1,040 00
	Taunton, .	Twenty-one thousand dollars, . .	21,000 00
	Westport, .	Two thousand two hundred and eighty dollars, . . .	2,280 00
			<hr/> \$119,280 00

DUKES COUNTY.

Chilmark, . .	Five hundred dollars,	\$500 00	Dukes county.
Edgartown, . .	One thousand seven hundred and sixty dollars,	1,760 00	
Gay Head, . .	Forty dollars,	40 00	
Gosnold, . . .	Two hundred dollars,	200 00	
Tisbury, . . .	One thousand one hundred and eighty dollars,	1,180 00	
		<u>\$3,680 00</u>	

ESSEX COUNTY.

Amesbury, . .	Four thousand two hundred and sixty dollars,	\$4,260 00	Essex county.
Andover, . . .	Four thousand six hundred and twenty dollars,	4,620 00	
Beverly, . . .	Eight thousand and sixty dollars, . .	8,060 00	
Boxford, . . .	One thousand one hundred dollars, . .	1,100 00	
Bradford, . . .	One thousand seven hundred dollars, .	1,700 00	
Danvers, . . .	Four thousand four hundred dollars, .	4,400 00	
Essex,	One thousand four hundred and twenty dollars,	1,420 00	
Georgetown, .	One thousand five hundred dollars, .	1,500 00	
Gloucester, . .	Eleven thousand six hundred and forty dollars,	11,640 00	
Groveland, . .	One thousand three hundred and forty dollars,	1,340 00	
Hamilton, . . .	Seven hundred and sixty dollars, . .	760 00	
Haverhill, . .	Thirteen thousand eight hundred and forty dollars,	13,840 00	
Ipswich, . . .	Two thousand six hundred and eighty dollars,	2,680 00	
Lawrence, . . .	Twenty-six thousand two hundred and sixty dollars,	26,260 00	
Lynn,	Thirty thousand five hundred and eighty dollars,	30,580 00	
Lynnfield, . .	Nine hundred and sixty dollars, . . .	960 00	
Manchester, . .	One thousand seven hundred and twenty dollars,	1,720 00	

Essex County—Concluded.

Marblehead, .	Five thousand seven hundred and forty dollars,	\$5,740 00
Methuen, . .	Three thousand dollars,	3,000 00
Middleton, . .	Seven hundred dollars,	700 00
Nahant, . . .	Six thousand and twenty dollars,	6,020 00
Newbury, . . .	One thousand two hundred and twenty dollars,	1,220 00
Newburyport, .	Eleven thousand nine hundred and sixty dollars,	11,960 00
North Andover, .	Three thousand and sixty dollars,	3,060 00
Peabody, . . .	Seven thousand eight hundred and forty dollars,	7,840 00
Rockport, . . .	Two thousand seven hundred and twenty dollars,	2,720 00
Rowley,	Eight hundred and eighty dollars,	880 00
Salem,	Thirty-two thousand three hundred and eighty dollars,	32,380 00
Salisbury, . . .	Two thousand nine hundred and eighty dollars,	2,980 00
Saugus,	Two thousand and eighty dollars,	2,080 00
Swampscott, . .	Two thousand seven hundred and sixty dollars,	2,760 00
Topsfield, . . .	One thousand one hundred and twenty dollars,	1,120 00
Wenham,	Seven hundred and eighty dollars,	780 00
West Newbury, .	One thousand seven hundred and twenty dollars,	1,720 00
		<hr/> \$203,800 00

FRANKLIN COUNTY.

Franklin
county.

Ashfield, . . .	Nine hundred and twenty dollars,	\$920 00
Bernardston, . .	Seven hundred and forty dollars,	740 00
Buckland, . . .	One thousand one hundred and sixty dollars,	1,160 00
Charlemont, . .	Six hundred and eighty dollars,	680 00
Colrain,	One thousand one hundred and forty dollars,	1,140 00
Conway,	One thousand three hundred dollars,	1,300 00

Franklin County—Concluded.

Deerfield, . . .	Two thousand three hundred and eighty dollars, . . .	\$2,380 00
Erving, . . .	Four hundred and eighty dollars, . . .	480 00
Gill, . . .	Seven hundred dollars, . . .	700 00
Greenfield, . . .	Three thousand five hundred dollars, . . .	3,500 00
Hawley, . . .	Three hundred and sixty dollars, . . .	360 00
Heath, . . .	Four hundred and eighty dollars, . . .	480 00
Leverett, . . .	Six hundred and twenty dollars, . . .	620 00
Leyden, . . .	Three hundred and eighty dollars, . . .	380 00
Monroe, . . .	One hundred and twenty dollars, . . .	120 00
Montague, . . .	One thousand seven hundred and sixty dollars, . . .	1,760 00
New Salem, . . .	Six hundred and forty dollars, . . .	640 00
Northfield, . . .	One thousand three hundred dollars, . . .	1,300 00
Orange, . . .	One thousand nine hundred and eighty dollars, . . .	1,980 00
Rowe, . . .	Three hundred and sixty dollars, . . .	360 00
Shelburne, . . .	One thousand five hundred dollars, . . .	1,500 00
Shutesbury, . . .	Three hundred and eighty dollars, . . .	380 00
Sunderland, . . .	Seven hundred dollars, . . .	700 00
Warwick, . . .	Five hundred dollars, . . .	500 00
Wendell, . . .	Three hundred and sixty dollars, . . .	360 00
Whately, . . .	One thousand one hundred and sixty dollars, . . .	1,160 00
		<hr/> \$25,600 00

HAMPDEN COUNTY.

Agawam, . . .	One thousand five hundred dollars, . . .	\$1,500 00	Hampden county.
Blandford, . . .	Eight hundred and forty dollars, . . .	840 00	
Brimfield, . . .	One thousand and eighty dollars, . . .	1,080 00	

Hampden County—Concluded.

Chester, . .	Eight hundred and eighty dollars, .	\$880 00
Chicopee, . .	Seven thousand and twenty dollars, .	7,020 00
Granville, . .	Eight hundred and forty dollars, .	840 00
Holland, . .	Two hundred and forty dollars, .	240 00
Holyoke, . .	Nine thousand four hundred and forty dollars,	9,440 00
Longmeadow, .	One thousand six hundred and forty dollars,	1,640 00
Ludlow, . .	Seven hundred and eighty dollars, .	780 00
Monson, . .	Two thousand one hundred and forty dollars,	2,140 00
Montgomery, .	Two hundred and sixty dollars, .	260 00
Palmer, . .	Two thousand three hundred and twenty dollars,	2,320 00
Russell, . .	Four hundred and sixty dollars, .	460 00
Southwick, . .	One thousand and sixty dollars, .	1,060 00
Springfield, .	Thirty-eight thousand three hundred and twenty dollars,	38,320 00
Tolland, . .	Four hundred and sixty dollars, .	460 00
Wales, . .	Six hundred and twenty dollars, .	620 00
Westfield, . .	Seven thousand four hundred and sixty dollars,	7,460 00
West Springfield,	Two thousand nine hundred and eighty dollars,	2,980 00
Wilbraham, . .	One thousand four hundred and eighty dollars,	1,480 00
		<hr/> \$81,820 00

HAMPSHIRE COUNTY.

Hampshire
county.

Amherst, . .	Four thousand four hundred and forty dollars,	\$1,440 00
Belchertown, .	One thousand seven hundred and eighty dollars,	1,780 00
Chesterfield, .	Six hundred and sixty dollars, .	660 00
Cummington, .	Six hundred and sixty dollars, .	660 00
Easthampton, .	Three thousand nine hundred dollars,	3,900 00

Hampshire County—Concluded.

Enfield, . . .	One thousand and sixty dollars, . . .	\$1,060 00
Goshen, . . .	Two hundred and sixty dollars, . . .	260 00
Granby, . . .	Eight hundred and twenty dollars, . . .	820 00
Greenwich, . . .	Five hundred and twenty dollars, . . .	520 00
Hadley, . . .	Two thousand one hundred and eighty dollars, . . .	2,180 00
Hatfield, . . .	Two thousand one hundred and forty dollars, . . .	2,140 00
Huntington, . . .	Eight hundred and eighty dollars, . . .	880 00
Middlefield, . . .	Six hundred and twenty dollars, . . .	620 00
Northampton, . . .	Ten thousand one hundred and eighty dollars, . . .	10,180 00
Pelham, . . .	Three hundred and eighty dollars, . . .	380 00
Plainfield, . . .	Four hundred and sixty dollars, . . .	460 00
Prescott, . . .	Three hundred and sixty dollars, . . .	360 00
South Hadley, . . .	Two thousand seven hundred and forty dollars, . . .	2,740 00
Southampton, . . .	Nine hundred and twenty dollars . . .	920 00
Ware, . . .	Two thousand seven hundred and sixty dollars, . . .	2,760 00
Westhampton, . . .	Six hundred dollars, . . .	600 00
Williamsburg, . . .	Two thousand two hundred and twenty dollars, . . .	2,220 00
Worthington, . . .	Six hundred and forty dollars, . . .	640 00
		<hr/> \$41,180 00

MIDDLESEX COUNTY.

Acton, . . .	One thousand five hundred and eighty dollars, . . .	\$1,580 00	Middlesex county.
Arlington, . . .	Five thousand and sixty dollars, . . .	5,060 00	
Ashby, . . .	Eight hundred and sixty dollars, . . .	860 00	
Ashland, . . .	One thousand nine hundred dollars, . . .	1,900 00	
Ayer, . . .	One thousand four hundred and forty dollars, . . .	1,440 00	

Middlesex County—Continued.

Bedford, . .	Eight hundred and twenty dollars, .	\$820 00
Belmont, . .	Three thousand two hundred dollars, .	3,200 00
Billerica, . .	Two thousand one hundred and forty dollars,	2,140 00
Boxborough, .	Three hundred and eighty dollars, .	380 00
Brighton, . .	Eight thousand eight hundred and eighty dollars,	8,880 00
Burlington, .	Seven hundred dollars,	700 00
Cambridge, . .	Fifty-eight thousand five hundred and eighty dollars,	58,580 00
Carlisle, . .	Five hundred and forty dollars, . . .	540 00
Charlestown, .	Thirty-eight thousand two hundred dollars,	38,200 00
Chelmsford, .	Two thousand four hundred and sixty dollars,	2,460 00
Concord, . .	Three thousand one hundred and forty dollars,	3,140 00
Dracut, . .	Two thousand dollars,	2,000 00
Dunstable, . .	Four hundred and eighty dollars, .	480 00
Everett, . .	Two thousand eight hundred and eighty dollars,	2,880 00
Framingham, .	Five thousand three hundred and sixty dollars,	5,360 00
Groton, . .	Two thousand three hundred dollars, .	2,300 00
Holliston, . .	Two thousand eight hundred and twenty dollars,	2,820 00
Hopkinton, . .	Three thousand three hundred dollars, .	3,300 00
Hudson, . .	Two thousand two hundred and eighty dollars,	2,280 00
Lexington, . .	Three thousand dollars,	3,000 00
Lincoln, . .	Nine hundred and eighty dollars, .	980 00
Littleton, . .	One thousand and forty dollars, . .	1,040 00
Lowell, . .	Thirty-eight thousand five hundred and eighty dollars,	38,580 00
Malden, . .	Eight thousand six hundred and eighty dollars,	8,680 00
Marlborough, .	Five thousand one hundred and eighty dollars,	5,180 00
Maynard, . .	One thousand five hundred dollars, .	1,500 00

Middlesex County—Concluded.

Medford, . . .	Eight thousand one hundred and sixty dollars, . . .	\$8,160 00
Melrose, . . .	Three thousand six hundred and sixty dollars, . . .	3,660 00
Natick, . . .	Four thousand nine hundred and sixty dollars, . . .	4,960 00
Newton, . . .	Twenty-three thousand five hundred and forty dollars, . . .	23,540 00
North Reading, . . .	Eight hundred and twenty dollars, . . .	820 00
Pepperell, . . .	One thousand seven hundred and sixty dollars, . . .	1,760 00
Reading, . . .	Two thousand five hundred and sixty dollars, . . .	2,560 00
Sherborn, . . .	One thousand three hundred dollars, . . .	1,300 00
Shirley, . . .	One thousand three hundred and twenty dollars, . . .	1,320 00
Somerville, . . .	Seventeen thousand nine hundred and sixty dollars, . . .	17,960 00
Stoneham, . . .	Three thousand six hundred and twenty dollars, . . .	3,620 00
Stow, . . .	One thousand one hundred and twenty dollars, . . .	1,120 00
Sudbury, . . .	One thousand four hundred and twenty dollars, . . .	1,420 00
Tewksbury, . . .	One thousand three hundred and sixty dollars, . . .	1,360 00
Townsend, . . .	One thousand four hundred and twenty dollars, . . .	1,420 00
Tyngsborough, . . .	Five hundred dollars, . . .	500 00
Wakefield, . . .	Four thousand five hundred and eighty dollars, . . .	4,580 00
Waltham, . . .	Ten thousand eight hundred and forty dollars, . . .	10,840 00
Watertown, . . .	Six thousand three hundred and forty dollars, . . .	6,340 00
Wayland, . . .	One thousand one hundred dollars, . . .	1,100 00
Westford, . . .	One thousand six hundred and sixty dollars, . . .	1,660 00
Weston, . . .	One thousand seven hundred and forty dollars, . . .	1,740 00
Wilmington, . . .	Seven hundred and eighty dollars, . . .	780 00
Winchester, . . .	Four thousand three hundred and sixty dollars, . . .	4,360 00
Woburn, . . .	Ten thousand five hundred and twenty dollars, . . .	10,520 00
		<hr/> \$327,660 00

NANTUCKET COUNTY.

Nantucket county.	Nantucket, .	Three thousand four hundred and twenty dollars,	\$3,420 00
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NORFOLK COUNTY.

Norfolk county.	Bellingham, .	Eight hundred and eighty dollars, .	\$880 00
	Braintree, .	Three thousand four hundred dollars,	3,400 00
	Brookline, .	Twenty-four thousand two hundred and sixty dollars,	24,260 00
	Canton, .	Three thousand nine hundred dollars,	3,900 00
	Cohasset, .	Two thousand six hundred dollars, .	2,600 00
	Dedham, .	Six thousand four hundred and sixty dollars,	6,460 00
	Dover, .	Six hundred dollars,	600 00
	Foxborough, .	Two thousand three hundred dollars, .	2,300 00
	Franklin, .	Two thousand three hundred dollars, .	2,300 00
	Holbrook, .	One thousand seven hundred and twenty dollars,	1,720 00
	Hyde Park, .	Six thousand six hundred and eighty dollars,	6,680 00
	Medfield, .	One thousand two hundred dollars, .	1,200 00
	Medway, .	Two thousand six hundred and sixty dollars,	2,660 00
	Milton, .	Six thousand four hundred and twenty dollars,	6,420 00
	Needham, .	Four thousand one hundred and eighty dollars,	4,180 00
	Norfolk, .	Seven hundred and eighty dollars, .	780 00
	Norwood, .	One thousand seven hundred and twenty dollars,	1,720 00
	Quincy, .	Seven thousand and sixty dollars, .	7,060 00
	Randolph, .	Three thousand one hundred and forty dollars,	3,140 00
	Sharon, .	One thousand two hundred and forty dollars,	1,240 00
	Stoughton, .	Three thousand seven hundred and sixty dollars,	3,760 00
	Walpole, .	One thousand nine hundred and sixty dollars,	1,960 00

Norfolk County—Concluded.

West Roxbury, .	Eighteen thousand five hundred and sixty dollars,	\$18,560 00
Weymouth, .	Seven thousand nine hundred and eighty dollars,	7,980 00
Wrentham, .	One thousand seven hundred and eighty dollars,	1,780 00
	.	<u>\$117,540 00</u>

PLYMOUTH COUNTY.

Abington, .	Seven thousand and eighty dollars, .	\$7,080 00	Plymouth county.
Bridgewater, .	Three thousand three hundred and eighty dollars,	3,380 00	
Carver, .	Nine hundred and twenty dollars, .	920 00	
Duxbury, .	One thousand nine hundred and twenty dollars,	1,920 00	
East Bridgewater, .	Two thousand one hundred and forty dollars,	2,140 00	
Halifax, .	Five hundred and forty dollars, .	540 00	
Hanover, .	One thousand five hundred dollars, .	1,500 00	
Hanson, .	Nine hundred dollars,	900 00	
Hingham, .	Four thousand six hundred and forty dollars,	4,640 00	
Hull, .	Three hundred and forty dollars, .	340 00	
Kingston, .	One thousand nine hundred and forty dollars,	1,940 00	
Lakeville, .	Nine hundred and twenty dollars, .	920 00	
Marion, .	Seven hundred and forty dollars, .	740 00	
Marshfield, .	One thousand three hundred and sixty dollars,	1,360 00	
Mattapoisett, .	One thousand dollars,	1,000 00	
Middleborough, .	Three thousand eight hundred and forty dollars,	3,840 00	
No. Bridgewater, .	Six thousand and twenty dollars, .	6,020 00	
Pembroke, .	One thousand and sixty dollars, .	1,060 00	
Plymouth, .	Five thousand four hundred and eighty dollars,	5,480 00	
Plympton, .	Five hundred and forty dollars, .	540 00	

Plymouth County—Concluded.

Rochester, . .	Eight hundred and forty dollars, .	\$840 00
Scituate, . .	One thousand eight hundred and twenty dollars,	1,820 00
South Scituate, .	One thousand five hundred and twenty dollars,	1,520 00
Wareham, . .	One thousand nine hundred and sixty dollars,	1,960 00
W. Bridgewater, .	One thousand three hundred and forty dollars,	1,340 00
		<hr/> \$53,740 00

S U F F O L K C O U N T Y .

Suffolk county.	Boston, . .	Seven hundred and thirty-six thousand four hundred and eighty dollars, .	\$736,480 00
	Chelsea, . .	Seventeen thousand five hundred and sixty dollars,	17,560 00
	Revere, . .	One thousand four hundred and twenty dollars,	1,420 00
	Winthrop, . .	Seven hundred dollars,	700 00
			<hr/> \$756,160 00

W O R C E S T E R C O U N T Y .

Worcester county.	Ashburnham, .	One thousand six hundred and twenty dollars,	\$1,620 00
	Athol, . .	Three thousand two hundred and sixty dollars,	3,260 00
	Auburn, . .	Eight hundred and twenty dollars, .	820 00
	Barre, . .	Two thousand six hundred and eighty dollars,	2,680 00
	Berlin, . .	Seven hundred and forty dollars, .	740 00
	Blackstone, .	Three thousand five hundred and forty dollars,	3,540 00
	Bolton, . .	Nine hundred dollars,	900 00
	Boylston, . .	Seven hundred and eighty dollars, .	780 00
	Brookfield, .	Two thousand dollars,	2,000 00
	Charlton, . .	One thousand six hundred dollars, .	1,600 00

Worcester County—Continued.

Clinton, . . .	Four thousand four hundred and forty dollars,	\$4,440 00
Dana, . . .	Five hundred dollars,	500 00
Douglas, . . .	One thousand six hundred and twenty dollars,	1,620 00
Dudley, . . .	One thousand six hundred and sixty dollars,	1,660 00
Fitchburg, . . .	Fifteen thousand two hundred and forty dollars,	15,240 00
Gardner, . . .	Two thousand eight hundred and twenty dollars,	2,820 00
Grafton, . . .	Three thousand and twenty dollars,	3,020 00
Hardwick, . . .	One thousand seven hundred and sixty dollars,	1,760 00
Harvard, . . .	One thousand four hundred and eighty dollars,	1,480 00
Holden, . . .	One thousand four hundred and eighty dollars,	1,480 00
Hubbardston, . . .	One thousand three hundred and eighty dollars,	1,380 00
Lancaster, . . .	Two thousand eight hundred and eighty dollars,	2,880 00
Leicester, . . .	Two thousand nine hundred and sixty dollars,	2,960 00
Leominster, . . .	Four thousand three hundred and sixty dollars,	4,360 00
Lunenburg, . . .	One thousand one hundred and twenty dollars,	1,120 00
Mendon, . . .	One thousand and sixty dollars,	1,060 00
Milford, . . .	Seven thousand eight hundred and eighty dollars,	7,880 00
Millbury, . . .	Three thousand one hundred and twenty dollars,	3,120 00
New Braintree, . . .	Eight hundred dollars,	800 00
Northborough, . . .	One thousand seven hundred and eighty dollars,	1,780 00
Northbridge, . . .	Two thousand eight hundred and sixty dollars,	2,860 00
North Brookfield, . . .	Two thousand eight hundred and twenty dollars,	2,820 00
Oakham, . . .	Six hundred and twenty dollars,	620 00
Oxford, . . .	Two thousand one hundred dollars,	2,100 00
Paxton, . . .	Five hundred and forty dollars,	540 00
Petersham, . . .	One thousand one hundred and twenty dollars,	1,120 00

Worcester County—Concluded.

Phillipston, . .	Five hundred dollars,	\$500 00
Princeton, . .	One thousand three hundred and twenty dollars,	1,320 00
Royalston, . .	One thousand two hundred and sixty dollars,	1,260 00
Rutland, . .	Eight hundred and twenty dollars, .	820 00
Shrewsbury, . .	One thousand six hundred and twenty dollars,	1,620 00
Southborough, .	One thousand nine hundred and eighty dollars,	1,980 00
Southbridge, . .	Three thousand seven hundred dollars,	3,700 00
Spencer, . .	Three thousand two hundred and eighty dollars,	3,280 00
Sterling, . .	One thousand seven hundred and sixty dollars,	1,760 00
Sturbridge, . .	One thousand five hundred and sixty dollars,	1,560 00
Sutton, . .	One thousand eight hundred and eighty dollars,	1,880 00
Templeton, . .	One thousand nine hundred and sixty dollars,	1,960 00
Upton, . .	One thousand four hundred and twenty dollars,	1,420 00
Uxbridge, . .	Two thousand six hundred and eighty dollars,	2,680 00
Warren, . .	Two thousand two hundred and eighty dollars,	2,280 00
Webster, . .	Three thousand five hundred and forty dollars,	3,540 00
Westborough, . .	Three thousand and sixty dollars, .	3,060 00
West Boylston, .	One thousand seven hundred and eighty dollars,	1,780 00
West Brookfield, .	One thousand three hundred and forty dollars,	1,340 00
Westminster, . .	One thousand four hundred and twenty dollars,	1,420 00
Winchendon, . .	Three thousand and twenty dollars, .	3,020 00
Worcester, . .	Fifty-one thousand and twenty dollars,	51,020 00
		<hr/> \$182,560 00

RECAPITULATION.

Barnstable Co.,	Twenty-five thousand and eighty dollars,	\$25,080 00
Berkshire Co.,	Fifty-eight thousand four hundred and eighty dollars,	58,480 00
Bristol County,	One hundred nineteen thousand two hundred and eighty dollars,	119,280 00
Dukes County,	Three thousand six hundred and eighty dollars,	3,680 00
Essex County,	Two hundred and three thousand eight hundred dollars,	203,800 00
Franklin County,	Twenty-five thousand six hundred dollars,	25,600 00
Hampden Co.,	Eighty-one thousand eight hundred and twenty dollars,	81,820 00
Hampshire Co.,	Forty-one thousand one hundred and eighty dollars,	41,180 00
Middlesex Co.,	Three hundred twenty-seven thousand six hundred and sixty dollars,	327,660 00
Nantucket Co.,	Three thousand four hundred and twenty dollars,	3,420 00
Norfolk County,	One hundred seventeen thousand five hundred and forty dollars,	117,540 00
Plymouth Co.,	Fifty-three thousand seven hundred and forty dollars,	53,740 00
Suffolk County,	Seven hundred fifty-six thousand one hundred and sixty dollars,	756,160 00
Worcester Co.,	One hundred eighty-two thousand five hundred and sixty dollars,	182,560 00
		<hr/> \$2,000,000 00

SECTION 2. The treasurer shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town taxed as aforesaid; requiring them, respectively, to assess the sum so charged, according to the provisions of chapter eleven of the General Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively on each city or town.

Treasurer of Commonwealth to issue warrant.

SECTION 3. The treasurer, in his warrant, shall require the said selectmen or assessors to pay, or to issue their several warrant or warrants requiring the treasurers of their several cities or towns to pay, to the treasurer of the Commonwealth, on or before the first day of December, in the year one thousand eight hundred and seventy-two, the sums set against said cities or towns in the schedule aforesaid; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which

To require selectmen or assessors to issue warrant to city or town treasurers.

Names of treasurers, etc., to be returned.

each may be required to collect, to the treasurer of the Commonwealth, at some time before the first day of October next.

Treasurer of Commonwealth to notify delinquent city or town treasurer.

SECTION 4. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month during such delinquency, dating on and after the first day of December next; and, if the same remains unpaid after the first day of January next, an information may be filed, by the treasurer of the Commonwealth, in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and, upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes, under such penalties as said court, or the justice thereof before whom the hearing is had, shall order.

SECTION 5. This act shall take effect upon its passage.

Approved May 6, 1872.

Chap. 348 AN ACT IN RELATION TO CHEAP MORNING AND EVENING RAILROAD TRAINS TO AND FROM BOSTON.

Be it enacted, &c., as follows:

Cheap morning and evening railroad trains to and from Boston.

Every railroad corporation or party owning or controlling a railroad running out from Boston, shall furnish each day a morning train in and an evening train out, or suitable cars attached to other trains, and reaching and leaving Boston at about six o'clock in the forenoon and afternoon, or at such hours as may be fixed by the railroad commissioners, for distances not exceeding fifteen miles, and for such trains, they shall furnish yearly season tickets at a rate not exceeding three dollars per mile per year, good once a day each way for six days in a week, and quarterly tickets not exceeding one dollar per quarter per mile: *provided*, that the number of persons making application therefor shall not be less than two hundred.

Approved May 6, 1872.

Chap. 349 AN ACT IN RELATION TO REPORTS OF FINANCIAL ESTIMATES.

Be it enacted, &c., as follows:

Estimates of appropriations required to be made to the secretary on or before Dec. 15, of each year.

All heads of departments and officials making estimates and calling for appropriations shall make their reports upon the same to the secretary of state on or before the fifteenth day of December of each year, covering the period up to one year from the next first of January, and the secretary

of state shall embody them, including his own estimates, in one document, of which the usual number shall be printed and laid before the legislature on the second Wednesday of the succeeding January for its examination.

Approved May 6, 1872.

AN ACT TO ESTABLISH THE SALARY OF THE SHERIFF OF DUKES COUNTY. *Chap. 350*

Be it enacted, &c., as follows :

SECTION 1. The sheriff of Dukes county shall receive, in quarterly payments from the treasury of said county, an annual salary of four hundred dollars. Salary of four hundred dollars.

SECTION 2. The salary herein provided shall be paid from the first day of January, in the year eighteen hundred and seventy-two. To be paid from Jan. 1, 1872.

SECTION 3. This act shall take effect upon its passage.

Approved May 6, 1872.

AN ACT TO MODIFY THE HARBOR LINE BETWEEN SAVIN HILL AND COMMERCIAL POINT, IN BOSTON HARBOR. *Chap. 351*

Be it enacted, &c., as follows :

SECTION 1. So much of section four of chapter two hundred and ninety-three of the acts of the year eighteen hundred and fifty-six, as defines the line from the point H to the point L is hereby repealed ; and in place of the same, a line is hereby established, beyond which no wharf or pier or other structure shall ever hereafter be extended from the shore into or over tide-waters of the Commonwealth ; beginning at said point H, and running thence south-westwardly twenty-three hundred and twenty feet, making an angle of one hundred and twenty-four degrees (taken from a north-eastwardly to a south-westwardly direction) with the line last described ; thence continuing nineteen hundred feet westwardly a little more southwardly, making an angle of five degrees and fifteen minutes, with the line last described extended ; thence westwardly in a straight line, which, extended, would strike the east side of the embankment of the Old Colony and Newport Railroad five hundred and fifteen feet northwardly from the north side of the present water-way through said embankment, to a point five hundred feet eastwardly from the east side of said embankment ; thence southwardly five hundred and ninety feet parallel to the east side of said embankment ; thence south-eastwardly in a straight line to said point L. Harbor line changed between Savin Hill and Commercial Point, in Boston Harbor.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1872.

Chap. 352 AN ACT TO ESTABLISH THE SALARIES OF DISTRICT ATTORNEYS, AND OF THE ASSISTANT DISTRICT ATTORNEY FOR THE SUFFOLK DISTRICT.

Be it enacted, &c., as follows:

Salaries established.

SECTION 1. The annual salaries of the district attorneys for the northern, eastern, south-eastern, southern, middle and western districts, shall hereafter be two thousand dollars; for the north-western district, fifteen hundred dollars; and of the assistant district attorney for the Suffolk district, twenty-five hundred dollars; to be paid to them respectively out of the treasury, in monthly payments, and in that proportion for any part of a year, and from the first day of July next.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1872.

Chap. 353 AN ACT FOR THE ABATEMENT OF A NUISANCE IN THE LOWER BASIN OF MILLER'S RIVER, AND FOR THE PRESERVATION OF HEALTH IN THE CITIES OF CAMBRIDGE AND SOMERVILLE.

Be it enacted, &c., as follows:

Board of commissioners established.

SECTION 1. The harbor commissioners and the state board of health shall jointly constitute a board of commissioners for the purposes hereinafter named.

To devise a plan for drainage, etc.

SECTION 2. The said commissioners shall, after due notice to and hearing of all parties interested, devise and report to the mayor and aldermen of the cities of Cambridge and Somerville, respectively, a plan for draining and abating a nuisance existing in and upon the district lying within the limits of the said cities, which is bounded north-easterly by the Boston and Lowell Railroad in Cambridge and Somerville, north-westerly by the Fitchburg Railroad in Somerville, northerly by Milk Street in Somerville, westerly by Prospect Street in Somerville, south-westerly by Webster Avenue in Somerville, southerly by the boundary line between Cambridge and Somerville and by Gore Street in Cambridge, easterly by Fifth Street in Cambridge, southerly by Winter Street in Cambridge, and easterly, in Cambridge, by Fourth Street and the line of Fourth Street extended to the Boston and Lowell Railroad,—which plan shall provide, if practicable, for the preservation and improvement of so much of the channel and basins of Miller's River as is now flowed by the tide below the point where the Grand Junction Railroad in Somerville crosses such river and basin.

To devise temporary measures for abatement of nuisance.

SECTION 3. Said commissioners shall from time to time, and during the pendency of their report, devise and recommend to the mayor and aldermen of said cities, respectively, or to the boards of health thereof, such immediate or tempo-

rary measures for the abatement of said nuisance and the preservation of the health of the inhabitants as they shall deem expedient.

SECTION 4. Said commissioners in the discharge of their duties shall have power to cause to be made proper surveys of said district and estimates for carrying out the permanent and temporary measures by them recommended, the expenses of making said surveys and estimates to be paid by the two cities as the commissioners shall determine. May cause surveys to be made.

SECTION 5. The cities of Cambridge and Somerville, respectively, may carry out the provisions of this act and the measures recommended by the commissioners, and for that purpose may purchase or take lands in said cities in the same manner and with the same rights of appeal as provided in the general laws in regard to taking land for highways, and the title to land so taken shall vest in the city taking the same. Cambridge and Somerville may take lands, etc.

SECTION 6. This act shall take effect upon its passage.

Approved May 6, 1872.

AN ACT TO DISSOLVE CERTAIN CORPORATIONS.

Chap. 354

Be it enacted, &c., as follows:

SECTION 1. Such of the following corporations as are not already legally dissolved, viz.:— Corporations dissolved.

A. Field and Company.
 Abbott Hat Company.
 Acworth Gold Mining and Smelting Company.
 Agawam Woolen Company.
 Albion Gold Mining Company.
 Alexandrian Copper Mining Company.
 Allegheny Fertilizer Company.
 Alleghany River Oil Company.
 Almada Silver Mining Company.
 Alpha Gold Mining Company.
 American Artificial Limb Company.
 American Automatic Stop Motion Company.
 American Book and Paper Folding Company.
 American Bread Mixing and Kneading Machine Company.
 American Chemical Company.
 American Cigar Makers' Coöperative Association.
 American Copper Mining Company.
 American Enamel Company.
 American Felting Company.
 American and Foreign Steam Safety Company.
 American Gas Machine Company.
 American Gold Mining Company.
 American Grist Mill Company.

Corporations
dissolved.

American Hide and Leather Splitting and Dressing Machine Company.
American Hoop Machine Company.
American Horseshoe Company.
American Hydraulic and Steam-Engine Corporation.
American Improved Gas Light Company of West Roxbury.
American Joint-Stock Pegging Machine Company.
American Leather Splitting Company.
American Machine Stamp Company.
American Patent Sponge Company.
American Repeating Rifle Company.
American Rotary Pump Company.
American Slate Company.
American Soda Fountain Company.
American Steam Gas Company.
American Steamship Paddle Wheel Company.
American Stereoscopic Company.
American Stereotype Company.
American Tree Protector Company.
American Verd-Antique Marble Company.
American Whip Company.
Amesbury Hat Company.
Amesbury Woolen Company.
Anglo-Saxon Petroleum Oil Company.
Annapolis Copper Company.
Archimedean Ventilation Company.
Argentine Silver Mining and Exploring Company.
Argyle Machinery Company.
Atlantic Gold Mining Company.
Atlantic Rubber Company.
Automatic Gas Machine Company.
Bass River Association.
Bay State Barrel Company.
Bay State Gold and Silver Mining Company.
Bay State Lumber Company.
Bay State Milling and Machine Company.
Bay State Tool Manufacturing Company.
Bear Valley Coal Company.
Beebe Farm Oil Company.
Belcher Peat Company.
Belmont Coal Mining Company.
Bemis Paper Company.
Berkley Manufacturing Company.
Berkley Mills.
Berkshire Paper Company.
Berlin Iron Company.
Bickford Knitting Machine Company.
Bickford Novelty Manufacturing Company.
Big Hulett Oil Creek Company.
Bigelow Mills.

Corporations
dissolved.

Blair County Iron and Coal Company.
Blake Boot and Shoe Machine Company.
Bolton Mining Company.
Bolton Shoe Company.
Boston Acid Manufacturing Company.
Boston Air-Tight Gas and Water Pipe Company.
Boston and Canada Oil and Land Company.
Boston and Chicago Gold Mining Company.
Boston and Danby Iron Mining Company.
Boston and Mahanoy Coal Company.
Boston and Martha's Vineyard Peat Company.
Boston and New York Paint Company.
Boston and Northfield Slate and Tile Company.
Boston and Nova Scotia Gold Mining Company.
Boston and Ohio River Petroleum Company.
Boston Bituminized Pipe Company.
Boston Button Company.
Boston Carpet Company.
Boston Champion Fixture Company.
Boston Coöperative Association.
Boston Copper and Sulphuric Acid Company.
Boston Cordage Company.
Boston Corset Skirt Company.
Boston Earthen-Ware Manufacturing Company.
Boston Elastic Stamp Company.
Boston Evening Courier Association.
Boston Fibrilia Felting Company.
Boston Folding Lamp-Shade Company.
Boston Fruit-Preserving Company.
Boston Hemp Manufacturing Company.
Boston Fuse Company.
Boston Lumber Company.
Boston Milling and Manufacturing Company.
Boston Oil Company.
Boston Oil-Refining Company.
Boston Papier Maché Company.
Boston Petroleum Oil Company.
Boston, Pittsburg and West Virginia Petroleum Company.
Boston Printing and Publishing Company.
Boston Rattan Works.
Boston Roofing and Manufacturing Company.
Boston Shoe-Binding Manufacturing Company.
Boston Shoe-Stud and Button Company.
Boston Slate Company.
Boston Small Arms Improvement Company.
Boston Spring Bed Company.
Boston Steel and Iron Company.
Boston Sugar-Refining Company.
Boston Veneer Box Company.
Bowman Oil Company.

Corporations
dissolved.

Brandon Iron Works.
 Brimfield Stockinett Company.
 Bristol Coal Company.
 Britannia Gold Company.
 Brome Mining Company.
 Brown and Allen Company.
 Brown and Allen's Pianoforte Company.
 Buckingham Plumbago Mining Company.
 Bullivant Shoe and Last Company.
 Bunker Hill Gold Mining Company.
 Butler Coal Mining Company.
 Caledonia Gold Mining Company.
 Cambridge Horse Nail Company.
 Canada Lead Mining Company.
 Canadian Gold Mining Company.
 Canton Elastic Fabric Company.
 Canton Woolen Mills.
 Cape Breton Coal Mining Company.
 Cape Cod Boot and Shoe Manufacturing Company.
 Carolina Lumber Company.
 Carson Paper Company.
 Cary Oil Company.
 Central City Gold Mining Company.
 Centreville Fish Weir Company.
 Champlain Copper Mining Company.
 Chatham Mining Company.
 Chaudiere Copper Mining Company.
 Chebucto Gold Mining Company.
 Chelsea Workingmen's Coöperative Association.
 Cheshire Glass Company.
 Chester Mining Company.
 Chicopee Boot and Shoe Company.
 Chicopee Malleable Iron Works.
 Cigar Makers' Coöperative Association.
 Cigar Makers' Corporate Association.
 Clarendon Gold Mining Company.
 Cloth and Leather Machine Cutting Company.
 Coal Brook Coal Mining Company.
 Coal Hill Lead Mining Company of Rossie.
 Cochituate Protective Union.
 Colonial Gold Company.
 Colorado Gold Mining Company.
 Combination Nursery Furniture Company.
 Consolidated Oxygenized Gas Manufacturing Company.
 Contoocook Valley Plumbago Mining Company.
 Cook Gold Mining Company of Boston.
 Cook Gold Mining Company of Colorado.
 Coöperative Manufacturing Association of Charlestown.
 Copper Hill Mining Company.
 Cornwall Copper Mining Company.

Corporations
dissolved.

Cotswold Brush Company.
Crescent Petroleum Company.
Crosby and Thompson's Desulphurizing Machine Company.
Cutting Machine Manufacturing Company.
Dalby Mills, The.
Daggett Manufacturing Company.
Davis Manufacturing Company.
Dayton Mining Company.
Dental Vulcanite Company.
Devonshire Gold Company.
Dighton Rolling Mill Company.
Dighton Tack Company.
Dighton Woolen Company.
Dover Copper Mining Company.
Dunham Copper Company.
Dunlap Manufacturing Company.
Duxbury Mill Company.
Eagle Machine Company.
Eagle Mills.
Eagle Sugar Refinery.
East Cambridge Gas and Oil Company.
East Mount Laffee Coal Company.
Easy Paper-Collar and Cuff Manufacturing Company.
Edgeworth Rubber Company.
Egyptian Gold Mining Company.
Elastic Horseshoe Cushion Company.
Eldorado Gold Mining Company.
Elliot Brick Company.
Embleton Coal Company.
Empire Cigar Company.
Empire Slate and Tile Company.
Enamel Paint Company.
Enniskillen Petroleum Company.
Essex Comb Company.
Essex Hat Manufacturing Company.
Essex Mining Company.
Eureka Manufacturing Company.
Excelsior Gold Mining Company.
Excelsior Mining Company of Colorado.
Excelsior Spring Bottom Bedstead Company.
Fall River Foundry Company.
Farmers' Butter and Cheese Company.
Farmers' Grain Mill Company.
Federal Union Mining Company.
Fibrilia and Flax Machinery Company.
Fibrilia Felting Company.
Fibrilia Manufacturing Company.
Fitchburg Foundry and Machine Company.
Follet Straw Manufacturing Company.
Ford Gold Mining Company of Massachusetts.
Forrest Rubber Company.

**Corporations
dissolved:**

Foxborough Steam Mill Company.
Foxborough Straw Works.
Franklin Coal Company of Lykens Valley.
Franklin Hand Stamp Company.
Franklin Loan and Fund Association.
Fuller Farm Oil Company.
Fuzzard Wadding Manufacturing Company.
Gas Fire Lighting Company.
General Sherman Gold Mining Company.
Gilbert River Gold Mining Company.
Gillespie Governor Manufacturing Company.
Gilpin Gold Mining Company of Colorado.
Glencoe Mining Company.
Glendale Vulcanized Rubber Company.
Glendon Coal Oil Company.
Globe Manufacturing Company.
Godfrey Boot and Shoe Company.
Gold Field Mining Company.
Goodrich Lumber Manufacturing Corporation.
Goodyear's Dental Rubber Company.
Grand Lake Coal Company.
Grand Trunk Copper Mining Company.
Grand Tunnel Coal Company.
Granite State Ochre Company.
Green Mountain Mining Company.
Greene Rifle Works.
Greenwood Coal Mining Company.
Groton Soapstone Company.
H. M. Richards Jewelry Company.
Hadley Manufacturing Company.
Halifax Copper Mining Company.
Halifax Gold Mining Company.
Hampden Cigar Company.
Hampden Skirt Company.
Hampton Lead Mining Company.
Hampton Mining and Smelting Company.
Hampton Welsh Slate Company.
Hancock Patent Steam Blower Company.
Harewood Iron and Mining Company.
Harvard Silver Mining Company.
Harvey Manufacturing Company.
Heel Machine Company.
Heywood Chair Manufacturing Company.
Hingham Wooden Ware Company.
Holliston Comb Company.
Holyoke Warp Mill.
Hoosier Lode Mining Company.
Horton Hat Company.
Howard Clock and Watch Company.
Hubbard Silver Mining Company.

Corporations
dissolved

Hubbardston Chair Works.
Hudson River Marble Company.
Huguenot Manufacturing Company.
I. Washburn and Moen Wire Works.
Illinois Gold Mining Company of Colorado.
Indian Spring Oil Company.
International Gold Mining Company.
Inventors' Manufacturing Company.
Invincible Gold Mining Company.
Iron Age Carriage Company.
Island Pond Copper Manufacturing Company.
J. Russell Manufacturing Company.
Kent Gold Mining Company.
King Gold Mining Company.
King Manufacturing Company.
Lafayette Mining Company.
Lake Mining Company.
Lamb Knitting Machine Company.
Leavitt Sewing Machine Company.
Lee Collar Company.
Lee Woolen Company.
Lenoxville Mining and Smelting Company.
Lightfoot's Currying Oil Company.
Linden Iron and Steel Manufacturing Company.
Lisbon Gold Mining Company.
Lithographic Power Press Company.
Littleton Woolen Company.
Livermore Manufacturing Company.
Logan Copper Mining Company.
London Shoe Tip Company.
Lorberry Coal Company.
Lost Mountain Gold Mining Company of Colorado.
Lowell Arms Company.
Lowell Wire Fence Company.
Ludlow Mills.
Lyman Lumber Manufacturing Company.
Lynn Boot and Shoe Company.
Lynn Grocery Company.
Lyster Copper Company.
Machine and Lathe Company.
Mahanoy Coal Company.
Malden Highlands Company.
Mansfield Machine Company.
Marine Guano and Oil Company.
Massachusetts and Oil Creek Petroleum Company.
Massachusetts and Vermont Beater Press Company.
Massachusetts Condensing Company.
Massachusetts Gas Company.
Massachusetts Illuminating Gas Company.
Massachusetts Lead Company.

Corporations
dissolved.

Massachusetts Leather-Splitting Machine Company.
Massachusetts Mining Company.
Massachusetts Nailless Horseshoe Company.
Massachusetts Shovel Company.
Massachusetts Steam Heating Company.
Mattapan Iron Works.
Mecca Lubricating Oil Company.
Medfield Boot and Shoe Manufacturing Company.
Melaniline Paint Company.
Merchant's Gold and Silver Company.
Merrill Patent Barrel Company.
Merrimac Arms and Manufacturing Company.
Merrimac Brush Company.
Merrimac Woolen Company.
Merrimac Woolen Mills.
Merrimack Hosiery Company.
Merrimack Lumber Company.
Metal Works and Stevens Flux Company.
Metallic Compression Casting Company.
Middleborough Steam Mill Company.
Middlesex Hose Manufacturing Company.
Mineral Soap Company.
Mirror Marble Company.
Monatiquot Mills.
Monitor Gold Mining Company.
Montague Boot and Shoe Company.
Montague Gold Mining Company of Nova Scotia.
Montezuma Gold Mining Company of Colorado.
Morrill Petroleum Stove Company.
Morse Comb Company.
Mosely Iron Bridge and Roof Company.
Mosely Iron Building Works.
Mosman Governor Company.
Mount Tom Paper Company.
Mutual Mining and Exploring Company of Colorado and Utah.
Muzzey Rifle-Barrel and Gun Manufacturing Company.
N. Hayward Company.
Nantucket Boot and Shoe Company.
Narragansett Coal Mining Company.
National Lead Mining Company.
National Paper-Collar Company.
National Screen and Sieve Company.
National Steam-Gauge Company.
National Union Match Company.
Naumkeag Brick Manufacturing Company.
Nayasset Paper Company.
Nelson Copper Mining Company.
Nevada Gold Mining Company.
New Bedford Boot and Shoe Manufactory.
New Bedford Glass Company.

New Bedford Workingmen's Coöperative Association.
 New Bedford Tannery.
 New Bedford Tanning Company.
 New England Agricultural Company.
 New England and Nevada Silver Mining Company.
 New England Anti-Incrustation Company.
 New England Broom Company.
 New England Combination Iron and Steel Manufacturing Com-
 pany.
 New England Cordage Machine Company.
 New England Drum Heating Company.
 New England Elastic Heel Company.
 New England Elastic Hoof Pad Company.
 New England Furniture Company.
 New England Graphite Company.
 New England Handle Company.
 New England Hard Rubber Truss Company.
 New England Jewelry Company.
 New England Lithographic Steam Printing Company.
 New England Machinists Company.
 New England Manufacturing Company.
 New England Mining Company of Colorado.
 New England Model Collar Company.
 New England Oil Manufacturing Company.
 New England Papier Maché Company.
 New England Patent Oil Cup Company.
 New England Petroleum Company.
 New England Petroleum Stove Company.
 New England Portable Railroad Company.
 New England Silk Company.
 New England Steam Drill Company.
 New England Tanning Company.
 New England Vulcanite Hide Company.
 New England Wood Hangings Company.
 New Era Gold Mining Company of Colorado.
 Newbury Manufacturing Company.
 Newburyport Brush Company.
 Newburyport Peat Company.
 Newfield Paper Company.
 Newton Mining Company.
 Newton Slate Company.
 Nowell Hill Mining and Smelting Company.
 North Abington Boot and Shoe Manufacturing Company.
 North Abington Coöperative Association.
 North American Patent Boot and Shoe Company.
 North American Verd-Antique Marble Company.
 North Bridgewater Workingmen's Coöperative Grocery and
 Provision Association.
 Northampton Mills.
 Northampton Street Sugar Refinery.

Corporations
dissolved

Corporations
dissolved.

Norton Straw Company.
 Oakville Manufacturing Company.
 Ocean Oil and Guano Company.
 Ocean Oil Manufacturing Company.
 Oceanic Oil and Guano Company.
 Oldham and Boston Gold Mining Company.
 Oscillating Skate Company.
 Ottawa Mining Company.
 Oxford Plumbago Mining Company.
 Peck Gold Mining Company.
 Pennsylvania and Canada Lumber and Mining Company.
 People's Mutual Petroleum Oil Company.
 Persian Sherbet Company.
 Petrolia Refining Company.
 Pigeon Cove Granite Company.
 Pitcher's Castoria Manufacturing Company.
 Plymouth Tack and Rivet Company.
 Plymouth Woolen Mills.
 Powon Blank-Book Manufacturing Company.
 Pratt's Patent Leather-Splitting Machine Manufacturing Com-
 pany.
 Provincial Gold Mining Company of Nova Scotia.
 Provincial Manganese Mining Company.
 Prussian Chemical Company.
 Quinsigamond Iron and Wire Works.
 Randolph Coöperative Association.
 Reese River Silver Mining Company.
 Renfrew Gold Mining and Crushing Company.
 Revenue Gold Mining Company.
 Revere Woolen Mills.
 Rivers Mill.
 Rockport Steam Cotton Mills.
 Roper Repeating Rifle Company.
 Roper Sporting Arms Company.
 Roscoe Mining Company.
 Rosecrans Gold Mining Company of Colorado.
 Roxbury Linen Company.
 Royalston Steam Mill Company.
 Rubber Band Carpet Sweeper Company.
 Rubber Sole Shoe Company.
 Rumford Chemical Works.
 Rumford Food Laboratory.
 S. P. Ruggles Power Press Manufacturing Company.
 St. Lawrence Mineral Land and Mining Company.
 St. Maurice Lumber Company.
 Salamanca Oil and Refining Company.
 Salem Car Company.
 Salem Leg Company.
 Salem Machine Shop.
 Sandwich Peat Company.

Corporations
dissolved.

Saxon Sheet Glass Company.
Scipio Iron and Coal Mining Company.
Scudders' Beach Weir Company.
Seneca Oil Well Company.
Shawmut Gold Mining Company.
Shelburne Falls Cutlery Company.
Sheldonville Jewelry Company.
Sherman Gold Mining Company.
Sherman Manufacturing Company.
Silver Creek Coal Company.
Silver Star Mining Company of Boston and Nevada.
Singletary Boot and Shoe Manufacturing Company.
Solid Lever Bridge Company.
Somerset Iron Works Company.
Somerset Shoe Manufacturing Company.
Somerville Iron Company.
South Bedford Copper Mining Company.
South Deerfield Machine Company.
South Gardner Chair Manufacturing Company.
South Lee Paper Company.
South River Cutlery Company.
South Sutton Boot and Shoe Manufacturing Company.
South Weymouth Workingmen's Coöperative Association.
Spencer Marble Company.
Spencer Repeating Rifle Company.
Spring Hill Coal Company.
Springfield Tool Company.
Springfield Silver Plate Company.
Stafford and Chaudiere River Gold Mining Company.
Steam Music Company.
Sterling Gold Mining Company.
Stewart Gold Mining Company.
Strafford Copper Mining Company.
Stryker Oil Well Company.
Substitute for Castor Oil Company.
Suffolk Gold Mining Company.
Suffolk Lead Works.
Suffolk Venango Oil Company.
Sun Gas Burner Company.
Sunapee Mining Company.
Sutherland Falls Marble Company.
Sycamore Oil Company.
Taunton Britannia Plate Company.
Taunton Coöperative Association.
Taunton Enamelling Company.
Taunton Sewing Machine Manufacturing Company.
Taunton Soap and Oil Company.
Taunton Umbrella Company.
Taylor and Olmstead Manufacturing Company.
Taylor Gold Company.

Corporations
dissolved.

Templeton Chair Company.
The Salem Union Street Corporation.
Timoke Mining Company.
Topeka Gold Mining Company.
Tornwezo Gold Mining Company.
Torrent Rotary Pump Company.
Treasury Mining Company.
Tremont Oil Company.
Tremont Watch Company.
Tudor Lead Mining Company.
Turkish Bath Company.
Type-Setting Machine Company.
Type-Setting and Justifying Machine Company.
Uncas Oil Company, The,
Union Car and Engine Company.
Union Elastic Goods Company.
Union Fertilizing Tube Company.
Union Gas Light Company.
Union Gas Light Company of Boston.
Union Gas Works Company.
Union Iron Works.
Union Jewelry Company.
Union Manufacturing Company.
Union Steam Fan-Blower Company.
Union Steam Valve Company.
Union Straw Works.
Union Tile Company.
Union Tool Company.
United States Pegging Machine Company.
Universal Oil Stove Company.
Universal Safety Match Company.
Vertical Hoop Skirt Company.
Virginia and Idaho Gold Mining Company.
Voice Printing and Publishing Company.
Waldenburg Company.
Wallace Gold Mining Company.
Wareham Manufacturing Company.
Warren Boot and Shoe Company.
Warren Salt Company.
Warren Silver, Lead and Copper Mining Company.
Washington Coal Company.
Washington Gold Mining Company.
Waterloo Copper Mining Company.
Wawbeek Mills.
Weed File Manufacturing Company.
Wellington Coal Mining Company.
Wells River Lumber Company.
West Greenwich Lumber Company.
Westborough Manufacturing Company.
Westfield Machine Works.

Westville Company.
 Weymouth Adjustable Heel Company.
 Wheeler Horseshoe Company.
 Wheeler Metal Forging Company.
 Whipple File and Steel Manufacturing Company.
 Whipple File Company.
 Whipple File Manufacturing Company.
 Whipple Glass Engraving Company.
 Whipple Nail Manufacturing Company.
 Winterport Granite and Brick Company, The,
 Worcester County Brick Manufacturing Company.
 Worcester Gold and Silver Mining Company.
 Worcester Horseshoe Company.
 Wrentham Manufacturing Company.

• Corporations dissolved.

Yale and Winn Manufacturing Company, and the India Manufacturing Company, which was organized under chapter sixty-one of the General Statutes, in eighteen hundred and sixty-seven, not meaning hereby to dissolve a corporation of the same name, organized under a special charter granted in the year eighteen hundred and seventy. are hereby dissolved, subject to the provisions of sections thirty-six and thirty-seven of chapter sixty-eight of the General Statutes.

SECTION 2. Nothing in this act shall be construed to affect any suits now pending by or against any corporation mentioned in the first section of this act, nor any suit now pending or hereafter brought for any liability now existing against the stockholders or officers thereof, nor to revive any charter or corporation previously dissolved or annulled, nor to make valid any defective organization of any of the supposed corporations mentioned in said first section.

Suits pending not to be affected.

SECTION 3. Suits upon choses in action arising out of contracts sold or assigned by any corporation dissolved by this act may be brought or prosecuted in the name of the purchaser or assignee. The fact of sale or assignment and of purchase by the plaintiff shall be set forth in the writ or other process, and the defendant may avail himself of any matter of defence of which he might have availed himself, in a suit upon the claim by such corporation, had it not been dissolved by this act.

Suits on contract sold may be prosecuted by assignee.

SECTION 4. This act shall take effect upon its passage.

Approved May 6, 1872.

AN ACT IN RELATION TO THE TENURE OF OFFICE OF THE POLICE COMMISSIONERS. *Chap. 355*

Be it enacted, &c., as follows :

SECTION 1. The police commissioners shall be removable at the pleasure of the governor; and the governor and

Police commissioners removable at the

pleasure of the
governor.

council are hereby empowered to authorize an increase of the number of constables, which said commissioners may appoint, to one hundred, whenever in their judgment such increase is necessary.

SECTION 2. This act shall take effect upon its passage.

Approved May 6, 1872.

Chap. 356

AN ACT TO AUTHORIZE THE EASTERN RAILROAD COMPANY TO INCREASE ITS TERMINAL FACILITIES IN THE CITY OF BOSTON, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

May take land
in Boston for a
passenger
depot.

SECTION 1. The Eastern Railroad Company may, after thirty days' notice in writing, take possession of, hold and use as hereinafter set forth, and for the purpose of increasing the terminal facilities and affording convenient access to the passenger depot of said corporation, a certain lot of land situated in Boston, occupied by the Boston and Maine Railroad, and bounded as follows: Beginning at the easterly corner of the premises of the Eastern Railroad Company on Causeway Street, thence running easterly on said street about twenty-nine feet to the corner of the freight-house of the Boston and Maine Railroad, thence northerly by the westerly line of said freight-house to the northerly end thereof, thence in a straight line to the stone wall of the wharf at a point fifty feet distant, measured at right angles, from the easterly line of the Eastern Railroad Company's premises, thence following the same direction to the harbor commissioners' line, thence by said commissioners' line to the Eastern Railroad Company's premises, and thence by said premises to the point of beginning: *provided*, that no building shall be erected on any part of said land for other than passenger purposes; and *provided, further*, that compensation shall be made to the Commonwealth for any portion of the lands now occupied by the Boston and Maine Railroad Company, and authorized to be taken under this act, to which the Commonwealth may establish a legal title in itself.

General laws
relating to tak-
ing land for
railroad to
apply.

SECTION 2. All general laws relating to the taking of land for railroad purposes and the location and construction of railroads shall be applicable to and govern the proceedings in the taking of lands and change of location provided for in the first section of this act, except that instead of the county commissioners three disinterested persons shall be appointed by the supreme judicial court as a board of commissioners to adjudicate the damages for the taking of said lands and property, from whose decision an appeal to a jury

shall lie in behalf of either party, as is provided in case of lands taken for railroad purposes.

SECTION 3. The time within which certain lands in the city of Boston may be taken under authority of chapter two hundred and ninety-one of the acts of the year eighteen hundred and sixty-nine, as fixed in section six of said act, is hereby extended for a further period of one year.

Time for taking certain lands extended for one year.

SECTION 4. Said Eastern Railroad Company may, for the purposes of this act, by a vote of its stockholders, at a meeting duly called for the purpose, increase its capital stock to an amount equal to the amount expended under this act, not exceeding two million dollars beyond the amount now authorized by law.

May increase capital stock.

SECTION 5. This act shall take effect upon its passage.

Approved May 7, 1872.

AN ACT TO AMEND AN ACT IN RELATION TO THE IMPROVEMENT OF THE COMMONWEALTH'S FLATS IN BOSTON HARBOR.

Chap. 357

Be it enacted, &c., as follows:

SECTION 1. Section fifth of chapter three hundred and twenty of the acts of the present year, entitled An Act "in relation to the improvement of the Commonwealth's flats in Boston Harbor," is hereby amended by striking out the words, "prices and amounts," and inserting the words, "pieces and amounts."

Amendment to 1872, 320, § 5.

SECTION 2. This act shall take effect upon its passage.

Approved May 7, 1872.

AN ACT EXTENDING THE JURISDICTION IN CASES OF JUVENILE OFFENDERS.

Chap. 358

Be it enacted, &c., as follows:

SECTION 1. The governor, with the advice and consent of the council, may designate and commission such number of justices of the peace as the public interest and convenience may require, to try juvenile offenders; and the justices of the peace so designated and commissioned shall have and exercise concurrent jurisdiction, duties, powers and authority in their respective counties with the judges of probate courts, in all cases of juvenile offenders under seventeen years of age: *provided*, that the judges of the municipal, district and police courts may be so designated and commissioned.

Justices of the peace may be designated to try juvenile offenders.

SECTION 2. The justices of the peace appointed under the provisions of this act shall be distributed, as nearly as may be, as public convenience may require, in the several counties; and when any such justice shall change his domicile, his authority and jurisdiction in the trial of such cases

Justices to be distributed as public convenience requires.

shall cease, and some other justice of the peace may be designated and commissioned in his place.

Trial justices of juvenile offenders.

SECTION 3. The justices of the peace so designated and commissioned shall be known as trial justices of juvenile offenders, and the defendant in all cases shall have the right of appeal in the manner now provided by law in justice courts in other cases.

Girls between seven and seventeen years convicted under G. S. 75, § 6, may be sent to industrial school.

SECTION 4. Girls between the ages of seven and seventeen years, convicted of offences, or found in circumstances described in section six of chapter seventy-five of the General Statutes, may be committed to the state industrial school for girls.

Approved May 7, 1872.

Chap. 359

AN ACT TO AUTHORIZE THE BOSTON AND LOWELL RAILROAD CORPORATION TO ERECT A BRIDGE.

Be it enacted, &c., as follows:

May build bridge over the triangle on south side of Charles River.

SECTION 1. The Boston and Lowell Railroad Corporation may erect and maintain a bridge structure over the triangle on the southerly side of Charles River, embraced between the old and the new locations of the passenger bridge of said railroad so as to furnish suitable access to the new passenger station of said corporation; said bridge structure to be subject to the approval of the harbor commissioners, and to all general laws applicable to the same: *provided*, that said corporation shall, with respect to the structures hereby authorized, be subject to all the duties, restrictions and liabilities, and have all the powers and privileges provided in all general laws which now are or hereafter may be in force relating to railroad corporations.

Compensation to the Commonwealth.

SECTION 2. The Boston and Lowell Railroad Corporation shall make such compensation to the Commonwealth for the rights and privileges hereby acquired as the governor and council shall determine to be just and equitable.

SECTION 3. This act shall take effect upon its passage.

Approved May 7, 1872.

Chap. 360

AN ACT IN ADDITION TO AN ACT MAKING APPROPRIATIONS TO MEET CERTAIN EXPENDITURES AUTHORIZED THE PRESENT YEAR, AND FOR OTHER PURPOSES.

Be it enacted, &c., as follows:

Appropriations.

SECTION 1. The sums hereinafter mentioned are appropriated to be paid out of the treasury of the Commonwealth, from the ordinary revenue, except in cases otherwise ordered, for the purposes specified in certain acts and resolves of the present year, and for other purposes, to wit:—

District court, E. Hampden.

In the act, chapter two hundred and seventy-seven, establishing the district court of eastern Hampden, the sum of

five hundred dollars, for the salary of the justice thereof for the present year.

In the act, chapter two hundred and seventy-nine, establishing the salaries of the justices of the superior court, the sum of four thousand dollars for the present year. Superior court.

In the act, chapter two hundred and eighty-seven, relating to the Troy and Greenfield Railroad, a sum not exceeding thirty thousand dollars. Troy & Greenfield Railroad.

In the act, chapter two hundred and eighty-nine, establishing the district court of eastern Norfolk, a sum not exceeding one thousand one hundred and sixty-seven dollars, for the salaries of the justice and clerk thereof for the present year, viz.: for the salary of the justice, eight hundred and seventy-five dollars; and for the salary of the clerk, two hundred and ninety-two dollars. District court, Eastern Norfolk.

In the act, chapter two hundred and sixty-nine, establishing the first district court of northern Middlesex, the sum of five hundred dollars, for the salary of the justice thereof for the present year. First district court of Northern Middlesex.

In the act, chapter two hundred and ninety-eight, authorizing the payment of mileage to troops, a sum not exceeding two thousand dollars. Mileage of troops.

In the act, chapter one hundred and sixty-one, relating to the visiting agency, a sum not exceeding two thousand dollars, viz.: for the compensation of assistants, one thousand five hundred dollars; and for travelling expenses, five hundred dollars. Visiting agency.

In the act, chapter three hundred and fifty-two, establishing the salaries of certain district and assistant district attorneys, a sum not exceeding one thousand nine hundred and fifty dollars for the present year. District attorneys.

In the resolve, chapter fifty, in favor of the city of Worcester, for the support of state paupers, the sum of seven hundred fifty-six dollars and sixty cents. Worcester.

In the resolve, chapter fifty-two, in favor of Garrie O. Dakin, for state aid, the sum of one hundred and eighty-eight dollars. Garrie O. Dakin.

In the resolve, chapter fifty-three, in favor of Malinda P. Ryder, for state aid, the sum of four hundred and thirty-two dollars. Malinda P. Ryder.

In the resolve, chapter fifty-five, in favor of the city of Lawrence, for the support of state paupers, the sum of two hundred and thirty-nine dollars. Lawrence.

In the resolve, chapter fifty-six, in favor of the Industrial School for Girls, for repairs, improvements, &c., a sum not exceeding five thousand dollars. Industrial school.

- Sam. W. Hogle.** In the resolve, chapter fifty-seven, in favor of Samuel W. Hogle, for state aid, the sum of four hundred fifty-two dollars and fifty-three cents.
- Lunatic hospital at Worcester.** In the resolve, chapter fifty-nine, in favor of the state lunatic hospital at Worcester, the sum of one hundred thousand dollars, in accordance with the provisions of said resolve.
- Militia laws.** In the resolve, chapter sixty-one, authorizing the publication of militia laws, a sum not exceeding seven hundred dollars.
- State house repairs.** In the resolve, chapter sixty-two, relating to repairs, improvements, &c., in and around the state house, a sum not exceeding six thousand dollars.
- Statues at Washington.** In the resolve, chapter sixty-four, providing for the erection of memorial statues of Massachusetts citizens in the National Capitol at Washington, a sum not exceeding thirty thousand dollars.
- Doorkeepers, etc.** In the resolve, chapter sixty-six, relating to the compensation of doorkeepers, messengers, &c., a sum not exceeding six thousand five hundred dollars, in addition to the amount heretofore appropriated for the present year.
- Liquor commissioner.** For the payment of interest on such amount of capital as the governor and council shall find to have been furnished by the commissioner for the purchase and sale of spirituous liquors, in the establishment and maintenance of the state liquor agency, a sum not exceeding nine thousand four hundred dollars.
- Board of state charities.** For contingent expenses of the secretary of the board of state charities, a sum not exceeding two hundred dollars, in addition to the amount heretofore appropriated for the present year.
- "Blue book."** For the publication of one thousand additional copies of the "blue book," as authorized at the present session of the legislature, a sum not exceeding two thousand dollars, in addition to the appropriation heretofore made.
- Land titles of Gay Head.** For expenses incurred in recording land titles and boundaries of Gay Head, as authorized by chapter seventy-six of the resolves of eighteen hundred and sixty-six, a sum not exceeding sixty-five dollars.
- State pauper convicts.** For the support of state pauper convicts, a sum not exceeding one thousand dollars.
- Dissolving certain corporations.** For the publication of the act of the present session dissolving certain corporations, as ordered by the house of representatives, a sum not exceeding four hundred and thirty-eight dollars.

The appropriation made in chapter thirty-one of the acts of eighteen hundred and seventy-one, for printing the report of shareholders in the national banks of the Commonwealth, amounting to five thousand five hundred dollars, is hereby made applicable to the same purpose for the present year, in accordance with the provisions of chapter three hundred and twenty-one of the present year.

Report of
shareholders in
national banks.

For newspapers, including postage, ordered by the house of representatives, a sum not exceeding sixty dollars.

Newspapers,
etc., house of
representa-
tives.
Stationery.

For stationery ordered by the clerk of the house of representatives, a sum not exceeding two hundred dollars, in addition to the appropriation heretofore made for the present year.

For the support of a school at the Hoosac tunnel, as authorized by chapter sixty-five of the resolves of eighteen hundred and seventy-one, the sum of three hundred dollars, payable from the moiety of the income of the Massachusetts school fund applicable to educational purposes.

School at
Hoosac Tunnel.

For the compensation of the lieutenant-governor and council, a sum not exceeding four thousand dollars, in addition to the appropriation heretofore made for the present year.

Lieut. governor
and council.

In the resolve relating to the compensation of the assistant-clerks of the senate and house of representatives, a sum not exceeding one thousand six hundred and fifty dollars.

Assistant
clerks.

For expenses of legislative committees, a sum not exceeding one thousand dollars, in addition to the appropriations heretofore made for the present year.

Expenses of
committees.

In the resolve to provide the railroad commissioners with term reports, a sum not exceeding four hundred dollars.

Term reports.

In the act authorizing an increase of the state police force, a sum not exceeding forty-seven thousand dollars, viz.: for compensation of deputies, forty thousand dollars; and for their travelling expenses, seven thousand dollars.

State police
force.

For clerical, incidental and contingent expenses of the state police, a sum not exceeding five thousand seven hundred and forty-two dollars and forty-seven cents, viz.: for the year eighteen hundred and seventy-one, two thousand five hundred and seventy-one dollars and thirty-five cents; and for the present year, three thousand one hundred and seventy-one dollars and twelve cents, which shall be allowed and paid.

For contingent expenses of the bureau of statistics on the subject of labor, for the year eighteen hundred and seventy-one, a sum not exceeding eight hundred and fifty-two dollars and forty-three cents, which shall be allowed and paid.

Bureau of sta-
tistics of labor.

Sundry small
expenditures.

For sundry small items of expenditure due and unpaid in eighteen hundred and seventy-one and previous years, a sum not exceeding five hundred dollars, which shall be allowed and paid.

State police.

For incidental expenses of the state police, to be expended under the direction of the police commissioners, the sum of twenty-five hundred dollars, which shall be allowed and paid : *provided*, that no clerical service shall be paid for at a greater annual salary than thirteen hundred dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 7, 1872.

Chap. 5.

Charlestown
reimbursed for
uniforms.

RESOLVE IN FAVOR OF THE CITY OF CHARLESTOWN.

Resolved, That there be allowed and paid out of the treasury to the city of Charlestown, the sum of one hundred dollars for reimbursement of amount paid for militia uniforms.

Approved February 27, 1872.

Chap. 6.

Repairs and
improvements
at state prison.

RESOLVE AUTHORIZING PAYMENTS FOR CERTAIN REPAIRS AT THE STATE PRISON.

Resolved, That the sum of five thousand four hundred and seventy-five dollars be allowed and paid for repairs and improvements at the state prison: the same to be expended under the direction of the warden and inspectors of said prison.

Approved February 27, 1872.

Chap. 7.

Law Institute
of Chicago to
be furnished
with copies of
laws, etc.

RESOLVE TO FURNISH THE GENERAL AND SPECIAL LAWS, AND OTHER PUBLIC DOCUMENTS, TO THE LAW INSTITUTE OF CHICAGO.

Resolved, That the secretary of the Commonwealth be, and he hereby is authorized and directed to furnish to the Law Institute of Chicago, for the use of its library, copies of the general and special laws of the Commonwealth, the debates of the constitutional convention of the year eighteen hundred and fifty-three, and such public documents of the Commonwealth as he may deem desirable.

Approved February 27, 1872.

Chap. 8.

Treasurer may
transfer shares
of Boston and
Albany R. R.
from Debt Ex-
tinguishment
Fund, to the
war loan sink-
ing fund.

RESOLVES TO AUTHORIZE THE TRANSFER OF CERTAIN FUNDS AND THE PAYMENT OF THE FIVE-TWENTY WAR LOAN BONDS.

Resolved, That the treasurer be and he is hereby authorized and directed to transfer from the debt extinguishment fund to the war loan sinking fund, agreeably to the provisions of chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-five, at their market value, so many of the shares of the Boston and Albany Railroad Company now constituting said debt extinguishment fund, as will leave in it a sufficient number of said shares, reckoned at the same price, to equal the amount of the outstanding scrip of the Commonwealth which it was established to redeem. Also, to transfer from the fund of the commissioners on public lands, to the war loan sinking fund the sum of three hundred thousand dollars.

May call in and
redeem portion
of debt.

Resolved, That after the above transfers shall have been made, and when the war loan sinking fund shall amount to the full sum of the debt for the redemption of which it was created, the treasurer is hereby authorized and directed to call in and redeem so much of said debt as may, on or before the first day of July, in the year eighteen hundred and seventy-two, be subject to redemption; and he may, under the direction of the governor and council, sell and

transfer at rates not less than their par value, such an amount of the securities belonging to said fund as may be necessary to effect such redemption.

Resolved, That when the redemption of bonds contemplated in the preceding section shall have been completed, the income of the war loan sinking fund, including all incomes from other sources which by law now go to its credit, shall thenceforward be credited to the Troy and Greenfield Railroad sinking fund until the same shall amount to a sum sufficient, with its own accumulations, to redeem at maturity all the scrip of the Commonwealth issued in aid of the Troy and Greenfield Railroad and Hoosac Tunnel.

When bonds have been redeemed, income of war loan sinking fund, etc., to be credited to Troy & Greenfield R. R. sinking fund.

Approved March 5, 1872.

RESOLVE TO PROVIDE ADDITIONAL ACCOMMODATIONS FOR BOOKS IN THE STATE LIBRARY.

Chap. 9.

Resolved, That a sum not exceeding three hundred dollars be allowed and paid out of the treasury to defray the expense of providing additional partitions, cases and shelves, and for incidental expenses of the state library.

Allowance for cases and shelves in state library.

Approved March 7, 1872.

RESOLVE IN RELATION TO SOLDIERS' AND SAILORS' DIPLOMAS.

Chap. 10.

Resolved, That the sum of two thousand dollars be allowed and paid to meet the expenses of issuing and re-issuing soldiers' diplomas, from the office of the adjutant-general; the same to be expended under the direction of the adjutant-general, in such manner as the governor shall approve.

Allowance of \$2,000 for issuing soldiers' diplomas.

Approved March 9, 1872.

RESOLVE IN FAVOR OF THE DISABLED SOLDIERS' EMPLOYMENT BUREAU.

Chap. 11.

Resolved, That there be allowed and paid out of the treasury the sum of three thousand dollars to the Disabled Soldiers' Employment Bureau.

Allowance to the disabled soldiers employment bureau.

Approved March 19, 1872.

RESOLVE TO AUTHORIZE THE DESTRUCTION OF CERTAIN BONDS.

Chap. 12.

Resolved, That the president of the senate and speaker of the house of representatives, respectively, are hereby authorized to appoint a committee, consisting of two senators and three representatives, which committee shall superintend the destruction of certain bonds, numbered four hundred and one to one thousand, in the treasury department of the Commonwealth, being in six hundred pieces or certificates, each of five hundred pounds sterling, with forty coupons attached thereto.

Committee to be appointed to destroy certain bonds in the treasury.

Approved March 19, 1872.

Chap. 13. RESOLVE RELATING TO A BOARDING-HOUSE FOR THE STATE NORMAL SCHOOL AT WESTFIELD

Allowance of \$75,000 for a boarding-house at the Westfield Normal School.

Resolved, That there be allowed and paid out of the school fund a sum not exceeding seventy-five thousand dollars, to be expended by the board of education in purchasing land, and erecting thereon and furnishing a boarding-house for the accommodation of the pupils of the state normal school at Westfield. The deficit of income of the school fund occasioned by such payment shall be deducted from the moiety of the income of said fund applicable to educational purposes, in such manner as not to affect the amount to be apportioned and distributed for the support of public schools.

Approved March 27, 1872.

Chap. 14.

Allowance to Robert Channell for injuries received while performing military duty.

RESOLVE IN FAVOR OF ROBERT CHANNELL.

Resolved, That there be allowed and paid out of the treasury to Robert Channell the sum of one thousand dollars, to defray the necessary expenses incurred and as compensation for permanent injuries received, in consequence of having his thigh broken while in discharge of his duty as a member of company A, first battalion of cavalry, M. V. M., on the sixteenth day of October, in the year eighteen hundred and seventy-one.

Approved March 28, 1872.

Chap. 15.

Duplicate certificate may be issued to Catherine S. Fay.

RESOLVE IN FAVOR OF CATHERINE S. FAY.

Resolved, That for the reasons set forth in the petition of Catherine S. Fay, one of the persons entitled to an annuity from the Commonwealth, under the provisions of the will of the late Martha Johonnot, the trustees of the state lunatic hospital at Worcester, and the treasurer and receiver-general of the Commonwealth are hereby authorized and required to issue to the said Catherine S. Fay a new certificate, similar in its provisions to and bearing even date with the certificate heretofore issued to said Fay, in accordance with chapter sixty-five of the resolves of the year eighteen hundred and forty-one, and said certificate shall further show upon its face that it is a duplicate.

Approved April 1, 1872.

Chap. 16.

Contract to be made for the state printing.

RESOLVE CONCERNING THE STATE PRINTING.

Resolved, That the secretary of the Commonwealth, the chairman of the committee on printing of the senate, and the chairman of the committee on printing of the house of representatives, the clerk of the senate, and the clerk of the house of representatives, be and they are hereby authorized and directed to advertise for proposals for the execution of all the printing for the several departments of the state gov-

ernment, for a term of not less than two nor more than five years from the first day of July in the year eighteen hundred and seventy-two, reserving the right to reject any bid not regarded by them as responsible or satisfactory, and to contract for the same, at such rates as said officers shall decide to be for the best interests of the Commonwealth; and said contract shall be subject to all the restrictions contained in the existing contract with the state printers: *provided*, that bonds, satisfactory to the above-named officers, to the amount of not less than ten thousand dollars, be given by the parties to whom the contract shall be awarded, for the faithful performance of their contract.

Approved April 1, 1872.

RESOLVE IN FAVOR OF HELEN WHITMAN.

Chap. 17.

Resolved, That the treasurer of the Commonwealth is hereby authorized and directed to pay to Helen Whitman, of Plymouth, the sum of two hundred twenty-six dollars and fifty cents, the value of two bonds of the Commonwealth, each of the denomination of one hundred dollars, and numbered respectively twelve and thirteen, being a part of the "Union Fund Loan" of three million dollars, issued under the authority of chapter two hundred and sixteen of the acts of the year eighteen hundred and sixty-one—alleged to have been lost; said Whitman furnishing to said treasurer satisfactory security for the repayment of the above named amount, upon demand of said treasurer, made at the request of any person establishing to the satisfaction of said treasurer a legal right to the same.

Treasurer to pay Helen Whitman \$226.50, upon receiving security that it be repaid if legally called for.

Approved April 5, 1872.

RESOLVE IN FAVOR OF THE TOWN OF BLACKSTONE.

Chap. 18.

Resolved, That for the reasons set forth in the petition of the town of Blackstone, there be allowed and paid out of the treasury to the said town, the sum of seventy-four dollars and fifty cents.

Allowance of \$74.50 to Blackstone.

Approved April 8, 1872.

RESOLVE TO REIMBURSE THE HINGHAM INSTITUTION FOR SAVINGS FOR TAXES OVERPAID.

Chap. 19.

Resolved, That for the reasons set forth in the petition of the Hingham Institution for Savings there be allowed and paid out of the treasury, to said institution, the sum of ten hundred and sixty-nine dollars and forty-three cents.

Allowance of \$1,069.43 to Hingham Institution for Savings.

Approved April 8, 1872.

Chap. 20. RESOLVE IN RELATION TO THE FLATS AND MARSHES ON EAST HARBOR CREEK, IN PROVINCETOWN AND TRURO.

Harbor commissioners to determine whether meadows in Provincetown and Truro can be drained without injury to the harbor.

Resolved, That the board of harbor commissioners is hereby authorized and directed to consider and determine whether the meadows and flats in Provincetown and Truro formerly drained by East Harbor Creek, can now be drained either by an outlet through the dike built across said creek, by the Commonwealth under chapter eighty-six of the resolves of the year eighteen hundred and sixty-seven or by any other means, without injury to Cape Cod Harbor; and in case said board shall be satisfied that such drainage can be obtained without injury to Cape Cod Harbor, said board is hereby authorized to construct such a work, or take such measures as shall secure the drainage of said meadows and flats. And said board is hereby further authorized to compromise and settle, in behalf of the Commonwealth, any demands that seem to said board just claims for injury to said meadows and flats resulting from the interference of said dike with the drainage of said meadows and flats, and to execute and receive, in behalf of the Commonwealth, conveyances of said meadows and flats, or any portion of them, or any agreements concerning them and said claims for injury; *provided, however*, that said conveyances and agreements shall be subject to the approval of the governor and council; and there shall be allowed and paid out of the treasury of the Commonwealth, for the purposes of this resolve, a sum not exceeding five thousand dollars. *Approved April 8, 1872.*

To settle claims for damages, subject to approval of governor and council.

Chap. 21. RESOLVES TO PROVIDE FOR THE PURCHASE OF LAND AND FOR IMPROVEMENTS AT THE STATE PRIMARY SCHOOL, AT MONSON, AND ALSO FOR SELLING OUTLYING LAND.

Allowance for purchase of land, etc., at state primary school at Monson.

Resolved, That there be allowed and paid from the treasury, a sum not exceeding two thousand dollars, for the purchase of about twenty acres of land, adjoining the farm of the state primary school, at Monson, and lying on the Quaboag River; and a further sum of three thousand five hundred and eighty-four dollars and ten cents, for the purpose of lighting the institution with gas, and making such other alterations and repairs as are required at said institution.

Outlying land may be sold.

Resolved, That the inspectors of said state primary school be authorized to sell and convey any outlying land belonging to the farm of said school, if they deem it expedient, and pay the proceeds thereof into the treasury of the Commonwealth. *Approved April 9, 1872.*

RESOLVES TO PROVIDE THE TOWNS OF NORWOOD AND HOLBROOK WITH THE LAW REPORTS, GENERAL AND SPECIAL LAWS, AND STANDARD WEIGHTS AND MEASURES.

Chap. 22.

Resolved, That the secretary of the Commonwealth be and he is hereby authorized and directed to furnish to each of the towns of Norwood and Holbrook, a full set of the reports of the decisions of the supreme judicial court; one copy of the General Statutes; and copies of all such books and documents in his office as may heretofore have been furnished by the Commonwealth to towns. The secretary is authorized to purchase such of the reports and statutes aforesaid as may be necessary to carry into effect this resolve.

Norwood and Holbrook to be furnished by the secretary with reports of decisions of S. J. C.

Resolved, That the treasurer be and he is hereby authorized and directed to furnish each of said towns with a complete set of standard weights, measures and balances, such as each town is by law required to keep for the use of its inhabitants: *provided*, that the clerks of said towns shall first make the certificate required by section two of chapter two hundred and sixty-five of the acts of the year one thousand eight hundred and fifty-nine.

To be furnished with standard weights and measures by the treasurer.

Approved April 9, 1872.

RESOLVE IN FAVOR OF THE TOWN OF MILFORD.

Chap. 23.

Resolved, That there be allowed and paid out of the treasury, to the town of Milford, the sum of fourteen hundred dollars, for money paid out and expenses incurred by said town in the support of certain state paupers.

Allowance of \$1,400 to town of Milford.

Approved April 12, 1872.

RESOLVE IN FAVOR OF THE TOWN OF ADAMS.

Chap. 24.

Resolved, That there be allowed and paid out of the treasury, to the town of Adams, the sum of four hundred and ninety-two dollars and seventy-eight cents, for taxes overpaid.

Allowance of \$492.78 to town of Adams.

Approved April 12, 1872.

RESOLVE IN FAVOR OF GEORGE S. MERRILL.

Chap. 25.

Resolved, That there be allowed and paid out of the treasury to George S. Merrill, for the benefit and relief of the fourth light battery, M. V. M., the sum of two hundred and three dollars and sixty-four cents, in full, for damages to one of their horses, at Concord, in the year eighteen hundred and seventy.

Allowance of \$203.64 to 4th Battery M. V. M., for injury to a horse.

Approved April 12, 1872.

RESOLVE IN FAVOR OF THE WIDOW OF MOSES R. COLEMAN.

Chap. 26.

Resolved, That there be allowed and paid to the widow of the late Moses R. Coleman, the sum of six hundred and sixty-three dollars, as compensation for his services in the present legislature, as a representative from the first Plymouth district.

Allowance of \$663 to widow of Moses R. Coleman.

Approved April 12, 1872.

Chap. 27. RESOLVE IN FAVOR OF THE SHELBURNE FALLS FIVE CENTS SAVINGS BANK.

Allowance of
\$278.88 to Shel-
burne Falls
Savings Bank.

Resolved, That there be allowed and paid out of the treasury to the Shelburne Falls Five Cents Savings Bank the sum of two hundred and seventy-eight dollars and eighty-eight cents, for taxes overpaid.

Approved April 12, 1872.

Chap. 28. RESOLVE IN AID OF THE MASSACHUSETTS CHARITABLE EYE AND EAR INFIRMARY.

Allowance of
\$6,000.

Trustees to
report to board
of state chari-
ties.

Resolved, That there be allowed and paid out of the treasury, the sum of six thousand dollars to the Massachusetts Charitable Eye and Ear Infirmary, to be expended under the direction of the managers thereof for the charitable purposes of said infirmary during the present year; and the said trustees shall report to the board of state charities, as required by chapter two hundred and forty-three of the acts of the year eighteen hundred and sixty-seven. Two of the trustees of said infirmary shall be appointed by the governor.

Approved April 12, 1872.

Chap. 29.

State arsenal
may be sold by
adj. gen. under
direction of the
governor.

RESOLVE TO AUTHORIZE THE SALE OF THE STATE ARSENAL.

Resolved, That the adjutant-general, under the direction of the governor, is hereby authorized to sell the land, situated in Cambridge, belonging to the Commonwealth, with all the buildings thereon, and known as the state arsenal property.

The sale herein provided for shall be by public auction after notice thereof has been duly advertised for at least three weeks prior to the day of the sale, the advertisement to be made in all the Boston daily papers, and in all the weekly papers published in Cambridge; and in such other manner as the governor shall approve.

Approved April 12, 1872.

Chap. 30. RESOLVE PROVIDING FOR REPAIRS AND IMPROVEMENTS IN THE STATE ALMSHOUSE AT TEWKSBURY.

Allowance of
\$12,000 for re-
pairs, etc., at
state almshouse
in Tewksbury.

Resolved, That there be allowed and paid out of the treasury, for the purpose of making necessary repairs and improvements in the state almshouse at Tewksbury, the sum of twelve thousand dollars, to be expended under the direction of the board of inspectors and the superintendent; said appropriation to be payable upon properly approved vouchers filed with the auditor.

Approved April 12, 1872.

Chap. 31.

County taxes.

RESOLVE GRANTING TAXES TO THE SEVERAL COUNTIES.

Resolved, That the sums placed against the names of the several counties in the following schedule be and are hereby granted as a tax for each county respectively, to be collected and applied according to law:—

Barnstable—Fifteen thousand dollars.

Berkshire—Seventy-three thousand dollars.

Bristol—Seventy thousand dollars.

Dukes—Four thousand eight hundred dollars.

Essex—One hundred and forty thousand dollars.

Franklin—Thirty thousand dollars.

Hampden—Forty-four thousand three hundred dollars.

Hampshire—Thirty-eight thousand dollars.

Middlesex—One hundred and ninety thousand dollars.

Norfolk—Eighty thousand dollars.

Plymouth—Forty-five thousand dollars.

Worcester—One hundred and twenty thousand dollars.

Approved April 12, 1872.

RESOLVE TO CONFIRM AND MAKE VALID A DEED MADE BY THE
GUARDIAN OF THE MINOR CHILD OF CHARLES H. COOLIDGE, DE-
CEASED.

Chap. 32.

Resolved, For the reasons set forth in the petition of John K. Stickney, and others, that the deed made by the guardian of the minor child of Charles H. Coolidge, late of Boston, in the county of Suffolk, deceased, under license granted by the probate court for said county, the eleventh day of January in the year one thousand eight hundred and sixty-nine be, and the same hereby is, confirmed and made valid, unless the parties adversely interested, if any, shall within three months from the passage hereof commence a suit to recover possession of the premises.

Deed confirmed
and made valid.

Approved April 13, 1872.

RESOLVE IN FAVOR OF AUGUSTUS N. CURRIER, TRUSTEE.

Chap. 33.

Resolved, That Augustus N. Currier, trustee named in the deed of Calvin Dyer to him dated October seventh in the year eighteen hundred and sixty-nine, and recorded in the registry of deeds for the county of Worcester, book eight hundred and one, page two hundred and forty-four, for reasons set forth in the petition of Ellen N. Mowrey, be and hereby is authorized to pay to her, to be used for the support of her minor children, out of the proceeds of the sale of the real estate described in said deed, such sum in addition to the income thereof, annually, as the said trustee shall, in his discretion, deem necessary, not exceeding three hundred dollars each year.

Trustee author-
ized to pay \$300
a year to Ellen
N. Mowrey out
of proceeds of
sale of real
estate.

Approved April 13, 1872.

RESOLVE IN FAVOR OF THE STATE WORKHOUSE AT BRIDGEWATER.

Chap. 34.

Resolved, That there be allowed and paid out of the treasury, a sum not exceeding five thousand dollars, to be used under the direction of the inspectors of the state workhouse at Bridgewater, for the purpose of enlarging and ventilating the hospital and for further necessary repairs.

Allowance for
ventilating hos-
pital and work-
house at Bridge-
water.

Approved April 18, 1872.

Chap. 35.

Additional annuity of \$100 to Jane Parks, for three years.

RESOLVE IN FAVOR OF JANE PARKS.

Resolved, That during the period of three years from the first day of January in the year eighteen hundred and seventy-two, an annuity of one hundred dollars per annum, in equal quarterly payments, shall be paid to Jane Parks, of Cambridge, widow of the late James Parks, the same to be in addition to the annuity to which she is now entitled.

Approved April 18, 1872.

Chap. 36.

Allowance of \$154.45.

RESOLVE IN FAVOR OF JAMES RITCHIE.

Resolved, That for the reasons set forth in the petition of James Ritchie, there be allowed and paid to him out of the treasury, the sum of one hundred and fifty-four dollars and forty-five cents.

Approved April 18, 1872.

Chap. 37.

Allowance to widow of Edw. M. Gardner, late judge of probate for Nantucket.

RESOLVE IN FAVOR OF THE WIDOW OF EDWARD M. GARDNER, DECEASED.

Resolved, That there be allowed and paid to the widow of Edward M. Gardner, late judge of probate and insolvency for the county of Nantucket, deceased, for the benefit of his family, the sum of four hundred and twenty-three dollars and thirty cents, being the amount of salary to which he would have been entitled had he lived for the remainder of the year.

Approved April 20, 1872.

Chap. 38.

Allowance for aid to discharged female prisoners

RESOLVE TO PROVIDE FOR THE CARE OF DISCHARGED FEMALE PRISONERS.

Resolved, That the sum of fifteen hundred dollars be allowed and paid in providing aid to discharged female prisoners similar to that provided for male prisoners in sections from sixty-four to sixty-eight, inclusive, of chapter one hundred and seventy-nine of the General Statutes, the same to be expended under the direction of the governor.

Approved April 23, 1872.

Chap. 39.

Inspectors to report to legislature as to expediency of building a new state prison, etc.

RESOLVE OF INQUIRY CONCERNING THE STATE PRISON.

Resolved, That the inspectors of the state prison be directed, after due examination, to report at the beginning of the next legislature, upon the following matters relative to the said prison, namely: the advantages and disadvantages of the present site with reference to the health, custody and employment of convicts; the cost of the needful repairs and alterations of, and additions to, the present buildings and walls; the market value of the present site and buildings with adjacent flats owned by the Commonwealth; the location and cost of a desirable site for a new state prison, if the removal of the old one shall be deemed expedient; the expense of new prison buildings, including fixtures and walls

for an enclosure, with a general description of the same ; and any other facts which may be of use in determining upon the expediency of building a new prison upon another site, and of disposing of the land and buildings now used for that purpose, and other land or flats adjacent thereto, belonging to the Commonwealth.

Approved April 23, 1872.

RESOLVE IN FAVOR OF THE STATE REFORM SCHOOL AT WESTBOROUGH.

Chap. 40.

Resolved, That there be allowed and paid out of the treasury, the sum of five thousand dollars in addition to the amount already appropriated for the current expenses of the state reform school at Westborough, and that the governor be and is hereby authorized to transfer to said school such articles of furniture from the school ship George M. Barnard as may be suitable for the use of said school.

Allowance of \$5,000 for current expenses of reform school at Westboro'.

Approved April 23, 1872.

RESOLVE IN FAVOR OF THE CITY OF CHARLESTOWN.

Chap. 41.

Resolved, That for the reasons set forth in the petition of the city of Charlestown, there be allowed and paid out of the treasury to said city, the sum of five hundred and seventy-six dollars and fifty-nine cents.

Allowance of \$576.59 to city of Charlestown.

Approved April 24, 1872.

RESOLVE IN FAVOR OF FLAVIUS A. POST.

Chap. 42.

Resolved, That there be allowed and paid out of the treasury, to Flavius A. Post, the sum of one hundred and twenty dollars, for state aid for the year eighteen hundred and seventy-one.

Allowance of \$120 to Flavius A. Post, for state aid.

Approved April 24, 1872.

RESOLVE IN FAVOR OF IRENE J. KINGSFORD.

Chap. 43.

Resolved, That for reasons set forth in her petition, Irene J. Kingsford of Lynn, wife of William Kingsford, may by her sole deed release to George Clerk, his heirs and assigns, the real estate described in her deed to said Clerk, dated September eighth, in the year eighteen hundred and fifty-four, recorded with Essex county deeds, book five hundred and one, page nine.

May execute deed to George Clerk.

Approved April 24, 1872.

RESOLVE TO AUTHORIZE THE PURCHASE AND DISTRIBUTION OF BENNETT AND HOLLAND'S MASSACHUSETTS DIGEST.

Chap. 44.

Resolved, That the secretary of the Commonwealth be, and hereby is authorized and directed to purchase a number, not exceeding three hundred and fifty copies, of Bennett and Holland's Massachusetts Digest: *provided,* the cost of the same shall not exceed five dollars and fifty cents per volume ; and to distribute the same, one copy to each city and town.

Secretary to purchase and distribute to towns, copies of Mass. Digest.

Approved April 24, 1872.

Chap. 45. RESOLVE IN FAVOR OF COMPANY B; FIRST BATTALION OF CAVALRY.
 Allowance to Company B, First Battalion of Cavalry. *Resolved*, That there be allowed and paid out of the treasury, to the commanding officer of company B, first battalion of cavalry, the sum of five hundred dollars, to reimburse said company for expenditures for twenty-five uniforms procured by them under the provisions of chapter three hundred and thirty-two of the acts of the year eighteen hundred and sixty-nine; the same to be paid out of the unexpended appropriations for quartermasters' supplies for the year eighteen hundred and seventy-one.

Approved April 24, 1872.

Chap. 46. RESOLVE IN FAVOR OF CERTAIN LITERARY, CHARITABLE AND SCIENTIFIC INSTITUTIONS.
 Certain literary and charitable corporations to be reimbursed for taxes paid. *Resolved*, That there be paid out of the treasury, to the several corporations of the classes specified in the third, fourth and ninth divisions of section five of chapter eleven of the General Statutes, the amounts which, under the provisions of chapter three hundred and ninety of the acts of the year eighteen hundred and seventy-one, have been assessed and collected in respect to shares in national banks absolutely owned by such incorporated institutions or societies respectively; and it shall be the duty of the tax commissioner forthwith to certify to the treasurer the amount so collected in respect to shares owned by each such corporation respectively, and the treasurer shall thereupon pay over the same.

Approved April 24, 1872.

Chap. 47. RESOLVES IN FAVOR OF THE CONTRACTORS FOR THE CONSTRUCTION OF THE HOOSAC TUNNEL.
 Governor and council to advance \$100,000 from reserved fund to contractors for constructing Hoosac Tunnel. *Resolved*, That the governor and council be authorized to advance to Walter Shanly and Francis Shanly, contractors for the work of constructing the Hoosac Tunnel, the sum of one hundred thousand dollars, from the fund reserved under their contract, for a final payment on the completion of said contract, upon the execution by said contractors, of a mortgage to the Commonwealth, satisfactory to the governor and council, upon the machinery now owned and employed by them in the said work, to secure the repayment of the same, with interest at the rate of five per centum per annum, on demand made by the governor and council.

Residue of reserved fund to be paid upon completion of contract.

Resolved, That the governor and council be authorized to issue and deliver to the said contractors certificates of the Commonwealth for the residue of the said reserved fund, payable only upon the final completion of the contract and acceptance of the work by the governor and council, but to be otherwise similar in form to the certificates of indebted-

ness heretofore issued under the said contract; and, from time to time, to issue similar certificates, payable upon such completion of the contract and acceptance of the work, for all sums hereafter added to the said reserved fund.

Resolved, That when the contractors shall have so advanced the work as to comply with the conditions of the contract as to the rate and amount of progress and mode of construction required in its prosecution, the governor and council may, wholly or in part, at their discretion, remit the reservation of the twenty per centum of the sums thereafter earned under the said contract, for the said reserved fund, and may, if they deem it expedient, pay to the contractors in full such sums thereafter earned. *Approved April 27, 1872.*

Reservation of
twenty per
cent. may be
remitted.

RESOLVE IN FAVOR OF WM. P. SARGENT AND COMPANY.

Resolved, That there be allowed and paid out of the treasury the sum of four hundred and seventy-five dollars to William P. Sargent and Company, for one panel-back rockaway carriage, purchased, for use at the state prison, by Gideon Haynes, warden. *Approved April 27, 1872.*

Chap. 48.
Allowance of
\$475.

RESOLVE IN FAVOR OF NELSON J. WEBSTER.

Resolved, That for the reasons set forth in the petition of Herbert C. Joyner, guardian of Nelson J. Webster, there be allowed and paid out of the treasury, to said Webster, the sum of two hundred and eighty-eight dollars, the same being the amount of state aid he would have received up to January first, in the year eighteen hundred and seventy-two, under the act of April twenty-third, in the year eighteen hundred and sixty-six, and the acts amendatory thereof, had he been born before the death of his father.

Approved April 29, 1872.

Chap. 49.
Allowance of
\$288.

RESOLVE IN FAVOR OF THE CITY OF WORCESTER.

Resolved, That there be allowed and paid out of the treasury, to the city of Worcester, the sum of seven hundred and fifty-six dollars and sixty cents for the support of state paupers. *Approved May 3, 1872.*

Chap. 50.
Allowance of
\$756.60.

RESOLVE TO PROVIDE THE RAILROAD COMMISSIONERS WITH THE
LAW REPORTS.

Resolved, That the board of railroad commissioners may purchase and furnish to the office of said board a complete set of the reports of the decisions of the supreme judicial court. *Approved May 3, 1872.*

Chap. 51.
May purchase
S. J. C. law
reports.

Chap. 52.

Allowance of
\$188 for state
aid.

RESOLVE IN FAVOR OF GARRIE O. DAKIN.

Resolved, That for reasons set forth in the petition of Heman C. Woodward, guardian of Garrie O. Dakin, there be allowed and paid out of the treasury to said Garrie O. Dakin the sum of one hundred and eighty-eight dollars, for arrears of state aid.

Approved May 3, 1872.

Chap. 53.

Allowance of
\$432 for state
aid.

RESOLVE IN FAVOR OF MALINDA P. RYDER.

Resolved, For the reasons set forth in the petition of Malinda P. Ryder, that there be allowed and paid to her four hundred and thirty two dollars for state aid.

Approved May 3, 1872.

Chap. 54.

Acceptance of
bust of Henry
Wilson.

RESOLVES ACCEPTING A BUST OF HENRY WILSON.

Resolved, That the legislature of Massachusetts accept from William Whiting and others the marble bust of Henry Wilson; and that the thanks of the legislature be and hereby are tendered to said donors for the same.

Resolved, That the bust be placed in the state library, under the direction of the president of the senate and the speaker of the house of representatives, there to remain until the further order of the legislature.

Approved May 3, 1872.

Chap. 55.

Allowance of
\$239 for support
of a state pau-
per.

RESOLVE IN FAVOR OF THE CITY OF LAWRENCE.

Resolved, That there be allowed and paid out of the treasury, to the city of Lawrence, the sum of two hundred and thirty-nine dollars, for money paid by said city for the support of Celia Hart, a state pauper.

Approved May 3, 1872.

Chap. 56.

Allowance of
\$5,000 for re-
pairs and im-
provements.

RESOLVE IN FAVOR OF THE STATE INDUSTRIAL SCHOOL AT LANCASTER.

Resolved, That there be allowed and paid out of the treasury the sum of five thousand dollars, for the purpose of making repairs and necessary improvements on the buildings and estate of the state industrial school, at Lancaster.

Approved May 4, 1872.

Chap. 57.

Allowance of
\$452.53 for state
aid.

RESOLVE IN FAVOR OF SAMUEL W. HOGLE.

Resolved, That for reasons set forth in the petition of Samuel W. Hogle, there be allowed and paid out of the treasury, to him, the sum of four hundred and fifty-two dollars and fifty-three cents, for arrears of state aid.

Approved May 4, 1872.

Chap. 58.

Regulating rail-
road fares and
freight.

RESOLVE DIRECTING THE RAILROAD COMMISSIONERS TO REPORT TO THE NEXT LEGISLATURE ON THE SUBJECT OF REGULATING RAILROAD FARES AND FREIGHT.

Resolved, That the railroad commissioners be directed to consider the subject of regulating railroad fares and freights by law, and report in the form of a bill or otherwise, on the first week of the next legislature.

Approved May 4, 1872.

RESOLVE ALLOWING THE SUM OF ONE HUNDRED THOUSAND DOLLARS FOR PREPARING THE GROUNDS AND COMMENCING THE ERECTION OF THE NEW HOSPITAL BUILDING AT WORCESTER.

Chap. 59.

Resolved, That there be allowed and paid out of the treasury, a sum not exceeding one hundred thousand dollars, to the trustees of the state lunatic hospital at Worcester, for the purpose of preparing the grounds and commencing the erection of the new hospital buildings, which sum shall be repaid from the proceeds of the sales of land connected with the present hospital, as authorized by chapter two hundred and two of the acts of the year eighteen hundred and seventy-one: *provided*, that work shall not be commenced, or if now commenced shall be suspended, until an estimate of the expense of preparing the grounds and proper plans of the new hospital buildings, with estimates of the cost of their erection, are submitted to and receive the approval of the governor and council.

Allowance of \$100,000 for new hospital buildings.

Work not to be commenced until estimate of expense and plans are approved by the governor and council.

Approved May 4, 1872.

RESOLVE DIRECTING THE RAILROAD COMMISSIONERS TO REPORT TO THE NEXT LEGISLATURE ON THE SUBJECT OF THE TRANSPORTATION OF COAL.

Chap. 60.

Resolved, That the railroad commissioners be directed to consider the subject of regulating the transportation of coal by law, and report in the form of a bill or otherwise, on the first week of the next legislature.

Regulating the transportation of coal.

Approved May 6, 1872.

RESOLVE TO PRINT THE MILITIA LAWS.

Chap. 61.

Resolved, That the adjutant-general cause to be printed one thousand copies of the militia laws, for the use of the officers of the militia, and such other persons as are entitled by law to receive the same.

Militia laws to be printed.

Approved May 6, 1872.

RESOLVE TO PROVIDE FOR REPAIRS AND IMPROVEMENTS IN AND AROUND THE STATE HOUSE.

Chap. 62.

Resolved, That there be allowed and paid out of the treasury, the sum of six thousand dollars, for repairs and improvements in and around the state house, including the grading and turving the passage-way in the westerly side of the state house yard; to be expended under the direction of the commissioners on repairs of the state house, mentioned in section sixty-two of chapter fourteen of the General Statutes.

Allowance of \$6,000 for repairs, etc., of state house.

Approved May, 6, 1872.

RESOLVE AUTHORIZING THE COMMISSIONERS ON PUBLIC LANDS TO RELEASE THE INTEREST OF THE COMMONWEALTH IN CERTAIN LANDS.

Chap. 63.

Resolved, That the commissioners on public lands are hereby authorized to release the interest of the Commonwealth in the passage-way, running from Clarendon Street

Commonwealth's interest in passage-way released.

to Huntington Avenue, in Boston, to the owners of abutting lands, on such terms and conditions as the governor and council may approve.

Approved May 6, 1872.

Chap. 64. RESOLVES TO PROVIDE FOR THE ERECTION OF MEMORIAL STATUES OF MASSACHUSETTS CITIZENS, FOR THE NATIONAL CAPITOL.

Commission to procure statues for the capitol at Washington.

Resolved, That his excellency William B. Washburn, honorable Horace H. Coolidge, the president of the senate; honorable John E. Sanford, the speaker of the house of representatives, with two members from each branch of the legislature, to be selected by the presiding officers, be appointed a commission to procure, from Massachusetts artists, two statues in marble or bronze, to be erected in the capitol at Washington, as the contribution of this Commonwealth to the national gallery.

Resolved, That the commission procure, in the manner before provided, a statue of Samuel Adams and a statue of either John Winthrop, John Carver, William Bradford, William Brewster, Miles Standish or Edward Winslow, as may seem to them expedient, as fitting representatives of the colonial and revolutionary periods.

Allowance of \$30,000 for cost of same.

Resolved, That the sum of thirty thousand dollars be placed at the disposal of the commission, and that his excellency the governor be authorized to draw, from time to time, such amounts as may be required to defray the cost of the statues and other necessary expenses.

Approved May 6, 1872.

Chap. 65. RESOLVE DIRECTING THE BOARD OF RAILROAD COMMISSIONERS TO REPORT CERTAIN INFORMATION REGARDING THE TRANSPORTATION OF MERCHANDISE AND MERCHANDISE CARS ON RAILROADS.

Commissioners to ascertain and report whether unjust discrimination or advantage is given in rates of freight, etc.

Resolved, That the railroad commissioners are hereby directed to ascertain and report to the next legislature, whether cars owned by any persons or corporations other than railroad corporations, are used in the transportation of merchandise over the railroads in this Commonwealth, and if so, by whom said cars are owned, and upon what terms the same are transported, and whether any unjust or unequal discrimination or advantage is given either in rates of freight or promptness of carriage, or in any other manner, to the owners of such cars by the railroad corporations chartered in this Commonwealth; and also, whether the officers of any such railroad corporation derive any pecuniary advantage from the running of such cars over railroads of which they have the management.

Approved May 6, 1872.

RESOLVE PROVIDING ADDITIONAL COMPENSATION TO THE DOORKEEPERS, ASSISTANT DOORKEEPERS, MESSENGERS AND PAGES OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Chap. 66.

Resolved, That in addition to the compensation provided in chapter seven of the acts of the year one thousand eight hundred and seventy-two, there be allowed and paid out of the treasury, to each of the doorkeepers, assistant-doorkeepers and messengers of the senate and house of representatives, the sum of one hundred and thirty-five dollars, and to each of the pages the sum of eighty dollars, for their services for the full session of the present session of the legislature, and in like proportion for any part of the session.

Allowance of additional compensation.

Approved May 6, 1872.

RESOLVE INCREASING THE COMPENSATION OF THE SERGEANT-AT-ARMS, THE CLERKS OF THE SENATE AND HOUSE OF REPRESENTATIVES, AND THE PRIVATE SECRETARY OF THE GOVERNOR.

Chap. 67.

Resolved, That there be allowed and paid to the sergeant-at-arms, to the clerk of the senate and the clerk of the house of representatives, and the private secretary of governor, the sum of five hundred dollars each, for services for the present year, in addition to the sum heretofore allowed, and the same is hereby appropriated.

Additional compensation for sergeant-at-arms, clerks, etc.

Approved May 7, 1872.

RESOLVE TO FIX THE COMPENSATION OF THE ASSISTANT CLERKS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Chap. 68.

Resolved, That there be allowed and paid out of the treasury, to Hilton F. Hosmer, assistant clerk of the senate, the sum of nine hundred dollars, and to Miss H. L. Robinson, assistant clerk of the house of representatives, the sum of seven hundred and fifty dollars.

Compensation of assistant clerk of senate and house.

Approved May 7, 1872.

The General Court of 1872, during its annual session, passed three hundred and sixty Acts, and sixty-eight resolves, all of which received the approval of the Governor.

The Acts may be classified as follows: General Statutes, or Acts of a public character, ONE HUNDRED AND EIGHTY-FIVE; Special Acts relating to private property, persons and corporate bodies, ONE HUNDRED AND SEVENTY-FIVE.

The Legislature was prorogued on Tuesday, May 7, the session having occupied one hundred and twenty-six days.

THE STATE FINANCES.

The financial condition of the Commonwealth, always a matter of special interest to her citizens, indicates continued advancement in local prosperity and strength, as well as in the more extended spheres of public growth and relation. Maintaining, as heretofore, an unimpaired credit at home and abroad,—the result of wise policy and official integrity,—the practice of economy and retrenchment will demand rigid adherence in the present and future, as it has in the past. Mutual and harmonious coöperation, stimulated by watchful and jealous regard for the public weal, should command earnest and loyal service in every legislative and executive capacity. Such necessity will ever exist, especially in connection with the monetary interests of the State, the present condition of which is briefly set forth in the results herewith submitted:—

Of the funded liabilities outstanding January 1, 1870, amounting to . . . \$27,128,164 00

The following have been liquidated:—

Western Railroad loan . . .	\$761,816 00	
Eastern Railroad loan, . . .	50,000 00	
Union Fund loan, . . .	184,800 00	
Massachusetts War Fund loan, . . .	953,500 00	
	<hr/>	1,950,116 00
Balance remaining, . . .		\$25,178,048 00

During the year, additions have been made by new issues of scrip, viz.:—

For the Troy and Greenfield Railroad and Hudson Tunnel, . . .	\$3,452,372 00	
For the Massachusetts War Fund loan, . . .	999,944 00	
	<hr/>	4,452,316 00
Making the total, . . .		\$29,630,364 00
Of the unfunded liabilities, amounting to . . .	\$1,142,717 93	
There has been cancelled . . .	1,082,717 93	
	<hr/>	\$60,000 00
Balance remaining, . . .		\$60,000 00

Making the total present liabilities, exclusive of small unpaid balances, . . . \$29,690,364 00

Represented under their summary classification, the following exhibit appears:—

Present Funded Debt.

Railroad loans, . . .	\$12,124,476 00
War loans, . . .	16,434,888 00
Ordinary loans, . . .	1,071,000 00
	<hr/>
	\$29,630,364 00

Present Unfunded Debt.

Loan to W. & F. Shanly (conditional), . . .	60,000 00
	<hr/>
Total funded and unfunded debt, . . .	\$29,690,364 00

It will be observed that, while the unfunded liabilities have been nearly cancelled, the *net* increase of the funded debt has been \$2,502,200. This increase accrues mainly from the negotiation of a further instalment of the loan authorized under the Acts of 1868 and 1869, in aid of the Troy and Greenfield Railroad and Hoosac Tunnel. The remainder of this scrip, upwards of \$2,000,000, is also in process of negotiation abroad.

The new issue of scrip on account of the Massachusetts War Fund loan has been made in accordance with the provisions of chapter 91 of the Acts of 1869, which authorized the Treasurer and Receiver-General, under the direction of the Governor and Council, to retire such portion of this five-twenty loan as might be deemed advisable, substituting therefor the new scrip.

Both of these new issues of scrip (five per cent. sterling), have been negotiated on favorable terms, and are redeemable in twenty years from date. Of the proceeds of the Troy and Greenfield and Hoosac Tunnel loan, about \$2,000,000 remain in hand for accruing emergencies.

Of the three remaining railroad loans, the Norwich and Worcester, the Boston, Hartford and Erie, and the Troy and Greenfield and Hoosac Tunnel,—the redemption of the first, amounting to \$400,000, is fully provided for by the sinking fund established for that purpose, the corporation paying its interest. The redemption of the Boston, Hartford and Erie loan (\$3,599,024) is also believed to be secured by its appropriate sinking fund and its probable accumulations. The

reimbursement of any portion of the interest on this loan, now amounting to more than \$200,000 annually, including premium and cost of exchange, is still contingent upon the proceeds of the "Berdell Mortgage Bonds," of which the Commonwealth retains possession. The loan in aid of the Troy and Greenfield Railroad and Hoosac Tunnel, assumed by the Commonwealth, and now increased to \$8,125,452, and maturing from 1888 to 1894, has no other security than the franchise of the property and a sinking fund of nearly \$700,000, its income in 1871 amounting to \$36,963.

The several sinking funds as now established amount to \$13,000,000, including the present market value of their investments. With this provision of nearly forty-four per cent. of outstanding loans already secured in available cash assets, having an average annual income accumulation of a million of dollars, together with large and certain additions to be realized from the sales of public lands and from other productive resources, it becomes at once apparent that the Commonwealth is well prepared for the prompt liquidation at maturity of all her existing liabilities without resort to taxation. Even should a deficit occur in any of the sinking funds, a remedy would easily be found in the proper legislative sanction for a transfer of accruing excess from other funds.

During the present year, \$550,000 more of the present funded debt will mature, viz.: Of the State Almshouse loan, \$100,000; of the loan of 1861 for funding the public debt, \$100,000—the last of that loan; and of the Union Fund loan, \$350,000. The payment of the remaining balance of the loan of 1861, here referred to, will extinguish the last item in the funded debt of the State for which no sinking fund or other special provision exists. The other sums enumerated will be paid from their appropriate sinking funds.

Financial Estimates for 1872.

From the most reliable data now accessible, the ordinary revenues of the present year may be estimated at	\$2,300,000 00
This amount, with the cash on hand applicable therewith, may give the treasury	\$3,000,000 00
The most intelligent estimate of the ordinary expenses of the year, now possible, amounts to nearly	\$4,400,000 00

These estimates, however, do not include any provision for special grants by the legislature, nor for any temporary

emergencies liable to occur. It will be apparent, therefore, that the deficit to be provided for by a State tax will vary from one and a half to two millions of dollars.

THE WAR DEBT.

With the exception of railroad loans and a comparatively small fraction of liability on account of the ordinary expenses of the government, the present outstanding war debt (\$16,434,888), covering the entire balance of the funded loans, matures in various amounts extending over a period of twenty-two years, the last falling due in 1894. Of this amount, only \$3,400,000, the remainder of the Union Fund loan, will mature during the present decade, the largest instalment, nearly half, becoming payable in 1878, and the balance in smaller sums, commencing with the present year. Of course it is well understood that full provision is already secured for the liquidation of the whole.

It will be remembered that the Union Fund loan was created for the payment of war expenses chargeable to the United States. The aggregate amount so charged, exclusive of expenditures for coast defences, was \$3,752,928.96, of which \$3,669,455.11, or ninety-eight per cent., has been already reimbursed. Of the remainder, now in process of adjustment under the supervision of Col. Gardiner Tufts, who has collected several instalments of the original claim, nearly the entire sum has been already allowed. In addition to this claim, nearly a quarter of a million of dollars, expended for coast defences, will probably be realized at an early day.

THE PUBLIC LANDS.

It is now more than twenty years since, by her legislative and executive authority, the Commonwealth assumed the special and responsible task of protecting her legitimate interests in her own public lands. The proceeds of sales from that portion embraced within the limits of the Back Bay have thus far amounted to nearly \$3,600,000; while the total expenses of filling, grading and other improvements have been nearly \$1,550,000, exclusive of the compensation and expenses of the commissioners, which, added, would make the entire cost nearly \$1,600,000, or less than forty-five per cent. This has been paid from the moiety of proceeds of sales applicable by law to that purpose, leaving besides a handsome surplus available with the other moiety for the financial purposes of the Commonwealth. Of the lands filled

and graded, upwards of 296,000 square feet were given by the Legislature to the city of Boston and the Institute of Technology; and of the two millions of dollars netted in cash to the treasury, nearly a quarter of a million has been appropriated in aid of various educational and scientific institutions. Under legislative authority, the remainder has been transferred to several of the trust and sinking funds, chiefly for the redemption of the funded debt, towards which large and timely contribution has thus been rendered.

The filling and preparation of the remaining lands in this locality will probably be completed during the present year, thus securing the advantage of fortuitous demand. The sales of the past year, amounting to upwards of \$600,000, have been effected under such favorable conditions, as to warrant the anticipation of a net income of nearly or quite a million and a half more from the lands remaining to be sold. Under the provisions of law, this income will accrue to the Massachusetts War Loan Sinking Fund, now rapidly accumulating the amount necessary for the redemption of the loan for which it stands pledged.

The relations of the Commonwealth to its navigable waters, and to the tide-lands both above and below the line of littoral proprietorship, are so important, so manifold, and so often involve questions requiring a technical investigation, that in 1866 they were placed in charge of the Board of Harbor Commissioners. Through its Advisory Council, composed of eminent engineers and men of science at the head of various bureaus in the United States service, this Board is brought into relations with the general government in a manner most favorable to harmonious and coöperative action on the part of the State and the nation.

The subject in charge of this Board, of most general interest to the people of the Commonwealth, is the improvement of the State flats in South Boston. In 1869, about twenty-five acres thereof were sold to the Boston, Hartford and Erie Railroad Company for \$545,505, the Commonwealth taking a mortgage back for the purchase-money, and the company stipulating that it would, in three years, enclose them with a wall, and fill them, as required by law, with material taken from the harbor. In the same year fifty acres lying beyond and adjoining the tract sold to the Boston, Hartford and Erie Railroad Company, were sold to the Boston and Albany Railroad Company for \$435,600, to be paid in three years, the flats to be enclosed and filled in six years, and the title to remain in the State until the flats were filled. In consequence of the failure of the Boston, Hartford and

Erie Railroad Company, the work begun on its flats was suspended in the latter part of the year 1870; but it was not until the fourteenth day of December last that, through a sale under its mortgage, the State resumed its title so as to be in a situation to make a new disposition of them. What that disposition shall be, you may properly consider,—having reference not only to the condition of the public treasury and the necessities and convenience of Boston, but also to the policy heretofore pursued in respect to our harbors and tide-lands, and the fact that the adjoining flats are being filled by the corporate owners thereof.

THE LIQUOR LAW.

No other subject of state legislation has so occupied the attention of the people and so forced itself upon the consideration of the General Court for the past forty years, as the use and sale of intoxicating liquors. Each successive Legislature has given much time and effort to the solution of the problem presented, but it is fair to say that results entirely satisfactory to the body of our citizens have not yet been reached.

The depth and intensity of the interest they feel in the matter are unmistakably manifested. The long discussion of the subject has not been in vain. It has served to keep the public mind alive to the importance of the issue, and has brought us into substantial concord of judgment on many specific points. We are generally agreed that intemperance causes more crime, poverty and suffering than all other vices combined; and it seems to be conceded, that the people of the Commonwealth, as a whole, are opposed to the sale of distilled spirits as a beverage. The discussion now going on among them has reference chiefly to the sale of cider and malt liquors. Many who acknowledge that public sentiment is hostile to the sale of distilled spirits, deny that it goes so far as to condemn the traffic in cider and malt liquors. The well-being of the Commonwealth, I am sure, is no more dear to me than to you; you cannot be unmindful of the most fruitful source of sin and misery within our borders. The legislator who is required to provide means for the support of our penal and reformatory institutions, and thereby to increase the burden of taxation upon his constituents, should be eagerly anxious to ascertain, and if possible remove, the great cause rendering these institutions a necessity.

We rescue the weak and fallen by acting on them inwardly

or outwardly. We must either remove the temptation to intemperance or give them strength to withstand its direful force. We must increase the power of resistance or diminish the pressure to be resisted. Neither of these means of influence can be omitted without detriment to the public weal. He who has strength of will, power of self-control, energy of spirit to meet the temptations thrown in his path, is always armed, always safe. But, unfortunately, there are many who lack these features of character,—the moral courage and steadfastness which act as a shield against assaults from without. Hence the necessity of removing as far as possible the temptation, by preventing the sale of ardent spirits.

It has been truly said, that what it is wrong to use as a beverage, it is wrong to sell as such. What the highest good of the community requires us to expel, no member of the community has the right to supply. Belief in the principle thus announced has, to a greater or less extent, governed the action of our General Court upon this subject for the last twenty years. All our laws regulating or prohibiting the sale of intoxicating liquors have been based on the idea, that it is the duty of the state to protect its citizens from the assaults of the enemy. The assault may be open and violent, or secret and noiseless. It may bring a mere physical evil, which, though severe, the lapse of time will remove, or, what is far more to be dreaded, a moral evil, which saps the very foundations of society, spreads contagion far and wide, and even transmits itself to posterity. The state has so often asserted and reasserted its belief in prohibition, through repeated legislation, that, if anything is to be taken as settled, its policy on this question ought to be regarded as determined.

No law, however perfect, is of any value, unless it can be enforced. A defective law, thoroughly and impartially executed, is preferable to a more stringent one, poorly or partially administered. I have no hesitancy in saying that, in my judgment, the prohibitory law repealed four years ago, was the best and most effective we have ever had for the suppression of the liquor traffic. I would like to see it restored in all its power and integrity to our statute books, and rigidly enforced over every foot of soil in the Commonwealth. Let this be done, and crime and pauperism would be reduced fifty per cent., a great burden of taxation would be removed from all classes of citizens, a new impetus would be given to every branch of legitimate industry, a heavy weight would be lifted from the hearts and hands of

our laboring people, and a most important step taken toward their permanent elevation and improvement. It may be said that public opinion was opposed to this law, and no law can be sustained and made to operate advantageously unless it receives the hearty support of the people. This is unquestionably true. But may not the people, for some cause, at times be persuaded, under the pressure of the hour, to do what they are satisfied, on calm reflection, was a mistake? Reforms do not move backward, though for the moment they may appear to do so. The present law is claimed by its friends to be better than any upon the subject which has been adopted by our sister states. But it must be remembered that we have always occupied advanced ground in regard to this question. We are not to be satisfied with our situation, simply because other communities may be in a worse condition. Our constant aim should be to make the law as nearly perfect as possible. And whatever the law for the time being, we ought to be careful that it does not become a dead letter.

There is an opinion somewhat prevalent that the Executive, if so disposed, has full power to enforce the law now on our statute books. Would to God his arm were long enough and strong enough to close up once and forever every liquor-shop in the entire Commonwealth so effectually that it would be necessary, for those who patronize such places, to go beyond our bounds to get their supply of intoxicating drink, by whatever name designated! But we live under a republican form of government; the one-man power is not in accordance with either the theory or the spirit of our institutions; and the tendency of legislation in most of our States, for the last few years, has been, to, take power from the Executive and leave him nothing but the dignity of his office. Of this I do not complain. But it is difficult to see why responsibility should be increased as authority is diminished. I am honestly and conscientiously in favor of the rigid and impartial enforcement of the liquor law. My duty being to see that the laws are faithfully executed, I could make no exception in the case of this particular law. But, were it otherwise, the lesson taught by our recent canvass would force me to a strict and careful observance of its provisions. All parties distinctly declared in favor of its enforcement,—the violators, in order that it might be made so odious as to lead to its repeal; the true temperance men, in order that the tide of desolation sweeping over the state may be stayed. I see no reason why this general desire should not be gratified. But may there not

be a mistaken idea in the public mind as to the extent of the Governor's authority in respect to the question at issue? The State constabulary is supposed by many persons to be under his direct control, and responsible to him for the faithful performance of duty. This is a grave error. An officer of that force may become wholly inefficient, or may discharge the functions of his position in such a manner as to render the law needlessly odious, yet the Executive is without authority to remove him. The board of commissioners—very good men for aught I know—have the sole power to create and destroy every member of this arm of the government. And if any member of the board is found unfit for the place he holds, or is unfaithful in the discharge of its duties, there is no provision in the law for his removal. In fact, the Executive has nothing but advisory power in respect to the enforcement of this law. I am quite willing to give the advice it authorizes me to give, but not willing to be held responsible for authority the Executive does not possess.

Should you deem it expedient to retain the present law, substantially as it is, on the statute books, there are certain amendments I would suggest for your consideration. Under its provisions there is a commissioner to buy liquors and sell them to town agents. The state pays the incidental expense of carrying on the business, seven per cent. on the capital invested, and an annual salary of four thousand dollars to the commissioner. There is also an assayer and inspector, with a yearly salary of three thousand dollars, whose duty it is to assay the liquors of the commissioner and such samples as the constables take from the town agents. The commissioner is required to charge five per cent. above cost for liquors sold, and to pay the receipts from this percentage into the State treasury, and it was expected that the aggregate would meet the expenses of the agency. But manufacturers may sell domestic liquors for certain purposes in quantities not less than thirty gallons; while druggists are also authorized to sell in most of our towns for specified purposes, and are not required to buy of the commissioner. Hence it results that the business of the State agency has been carried on at a loss to the Commonwealth, during the past year, of about eleven thousand dollars. As druggists and the commissioner purchase their liquors of importers, I suggest that town agents be allowed to do the same, and that the commissionership be dispensed with, or that druggists be required to buy their supplies of liquor of the commissioner. Should you think it advisable to continue the

office of State agent, I recommend that the provisions of the old law be revived, and that the commissioner receive no salary from the State, but be allowed to charge a small fixed percentage above cost on his sales, and that he be required to pay the compensation of the assayer, to the end that there shall be no expense to the Commonwealth. I am satisfied a responsible man could be found to take the office under this arrangement, who would give satisfactory security for the faithful performance of his duties, and conduct the affairs of the agency on sound and approved business principles. Perhaps it might be well to require druggists and town agents to pay the fees for assaying the liquors in their hands. With an earnest desire that whatever action is had may conduce to the best interests of the State and the happiness of our people, I submit the matter to your enlightened judgment.

THE STATE POLICE.

The report of Major Edward J. Jones, the Constable of the Commonwealth, with accompanying statistics exhibiting in detail the operations of his force for the past year, as also the report of the Police Commissioners, will be laid before you in due form. The great majority of the members of the constabulary are known to be efficient officers, faithful and conscientious in the discharge of duty, whether engaged in the enforcement of a particular law, in the pursuit and arrest of reckless and desperate offenders, or in the more general work of preserving peace and suppressing crime. There is no excuse for the employment of any but good men on this force. The compensation is ample to command such as can be relied upon in every emergency. The force is altogether too small for the proper performance of the duty required of it. No reasonable mind ought to expect that seventy men can promptly reach every violator of the law, among a population of nearly one and a half millions, scattered over such an area as that of our State. If it is desired that the force shall really be effective, it ought at least to be increased to its former strength of one hundred and forty persons. If the liquor nuisances of the State are to be thoroughly broken up, steps must be taken to make the business unprofitable as well as dishonorable. We shall not be able to report satisfactory progress while prosecutions are so rare as heretofore. The execution of the law must be made certain and swift. To this end the mere handful of men in the constabulary is wholly inadequate. The aggre-

gate of receipts last year by the State and counties from this branch of the public service, over and above expenditures, was upwards of \$100,000, showing that in a pecuniary point of view there is no valid reason why the force should not be placed on an efficient basis.

WOMAN SUFFRAGE.

The tendency of the age seems to be toward an extension of the elective franchise. Until recently, many men in this country, because of their color or condition, were denied the privilege of voting. Now, however, nearly every male citizen who has arrived at the years of manhood enjoys the right to the ballot. There were those who thought the proposed extension of suffrage dangerous to society, and therefore opposed it; while others yielded their assent reluctantly, believing the step a necessity to the prevention of a greater evil. The result has proved the wisdom of the measure. Ought suffrage to be still further extended? Would society be benefited by giving it to woman? In her present sphere she is doing a work which we may truly say is invaluable. Her influence upon the community in which she moves, gentle, but far more powerful for good than man's, should never be dispensed with, and cannot safely be weakened. If she takes the ballot and enters into our political strifes, will she necessarily be dragged down from the lofty station she now occupies as a moral and refining force in the Commonwealth? Numbers of those in whose judgment I have great confidence are of the opinion that she will not only be able to maintain her present position, but do much to purify the ballot-box, clear the political atmosphere, and soften the asperities of political strife. Certainly any change holding out reasonable promise of being able to effect these reforms is entitled to our candid consideration.

While I have many misgivings in reference to this subject, and am of the opinion that if the decision of the question were left to the women themselves, a large majority of those in this State would declare against the change, I am free to confess that there are some moral issues, vital to the well-being of the Commonwealth, and in the solution of which woman has a deeper interest than man, upon which I should like to have her views expressed in a more direct and effective manner than is possible under our laws as they now stand. Her special mission to mould the character of the young and prepare them for the conflicts of the world, renders her peculiarly solicitous that snares and temptations may be removed .

from the path of life. Therefore, if the distinctive principles of the present liquor law are to be retained on our statute books, I would suggest the eminent propriety of so amending that act as to permit women to vote on the question of allowing ale or beer to be sold in the city or town within which they reside. In this way alone can we get a full expression of the public will on a matter of the highest concern to the State and its citizens. Such a course would give both the advocates and opponents of woman suffrage an opportunity to judge of its practical workings, and thereby the Commonwealth would be aided in its endeavor to reach the wisest possible adjustment of the pending issue.

THE LABOR QUESTION.

I commend to your candid and cordial consideration the varied interests of those who are denominated the laboring portion of our citizens. The question of practical concern is not so much whether the condition of this class is better or worse here than in other sections of the country, as whether that condition is satisfactory,—whether it is what it might be made by honest and resolute endeavor, what it should be made by those who have the well-being of the Commonwealth deeply at heart. To this question I am sure no one will venture an affirmative reply. Neither is it of paramount importance to determine whether the situation of this large body of persons is better or worse than it was formerly. Our view should be forward and not backward.

Many seem to hold the opinion that if the working men and working women, as they are commonly designated, receive constant employment and are adequately remunerated; if they gain the needful bread and meat in exchange for their labor; if they have comfortable homes and enough for the decent support of themselves and their families, it is their duty to be therewith content. But this is a narrow judgment of the matter in issue. They ought not only to perform their daily tasks faithfully, but be so circumstanced that they will perform them cheerfully. In so far as lies within our power, we ought to remove every just cause of complaint. Every human being should have higher and nobler aspirations than merely to provide food and clothing for the body. This should never content him. The head of a family ought to have time for study, thought, reading, recreation, innocent pleasure; he properly desires to give his children a better education than he had, and furnish them advantages superior to those he himself enjoyed.

The fact that there is unrest and dissatisfaction when man is confined to unremitting toil, is one of the brightest and most healthy omens of the times. It is an indication that his better nature is struggling for emancipation ; it is a hopeful sign of finer and nobler manhood in the future. Such efforts for improvement should never be discouraged, but always encouraged. That there ever have been and ever will be grades of society, is true enough ; the statesman should seek to diminish the distance between the extremes by elevating the lower. It has been said, that as soon as the materials for the construction of society were brought together they proceeded forthwith to arrange themselves in layers,—the stronger, more nimble and more cunning of the living constituents climbing to the higher places, and forcing upon those below the office of upholding them in their elevation. As the pyramid was originally built, so it remains in its general design. Within the heaving mass of multitudinous life individual atoms are constantly changing places, but without destroying, however much disturbing, the primitive distribution into layers. These are still disposed one above the other, in a gradually diminishing series.

It is so natural to feel that what always has been must always be, that we are too apt to content ourselves with things as we find them. But this is the dictate neither of wisdom nor of prudence. Standing still is not the province of society ; it must either advance or retrograde. Especially under such a government as ours, is change almost a normal condition and an inherent necessity. The pyramid continues to uplift itself as an entirety ; but atoms in the bottom layer of to-day may be in the top layer of to-morrow. Hence one reason why it becomes us to fairly and honestly examine the condition of the laboring classes, upon whom the whole superstructure of the social organism rests. Because they are a part of ourselves, it devolves upon us to relieve them, as far as possible, from the grievances to which they are subjected. Their existence is not separate from the existence of the State ; what tends to their welfare is calculated to promote the general welfare ; in the last analysis their interest is identical with the interest of the upper classes ; the least addition to their comfort is a gain to the whole community ; and if their case is considered in the right spirit there is no good cause for antagonistic feeling.

The question raised by them and in their behalf can never be adjusted by the two extremes,—those anxious to secure the greatest possible amount of pay for the least possible work, and those anxious to obtain the greatest possible amount of work for the least possible pay. Nor will relief come with

the determination how many hours shall constitute a legal day's work. For no period can be fixed which should be applicable alike to all. The ingenious, skilled laborer who uses mind as well as muscle, cannot apply himself the same number of hours to his task as he who merely handles the hoe or shovel, holds the plough or drives the oxen, uses the trowel or weaves at the loom. The great desideratum is to determine what would be a fair division of profits between the employer and the employé. Settle the question as to compensation per hour, and there will be no serious difficulty about the number of hours.

Let us not expect to adjust the issue confronting us by lecturing the laboring classes. We must be willing to meet them on their own ground, and discuss the matter at stake from their point of view. We must not only believe in the necessity, but have faith in the practicability, of cultivating the soil. Plough it thoroughly, enrich it as may be necessary, prepare it to the utmost for an abundant crop. However barren it may appear to superficial observation, it is capable of almost indefinite improvement. I commend to your earnest attention the results which may be wrought out by the Bureau of Statistics of Labor. I doubt not you will welcome any and every fact tending to throw light upon the solution of this great labor problem. A subject so vital to the Commonwealth as the question whether the daily life of a majority of its citizens can be enlarged and improved, must not be ignored, and should receive no secondary consideration at your hands.

THE MILITIA.

The report of the adjutant-general shows the militia of the State to be in excellent condition. The number of men in camp in 1871 was 5,362, represented to be well disciplined and prepared for efficient service. The ordinary expenses of the year were about \$166,000, being some \$30,000 less than those of the previous year. Prior to the late war, this item of State expenses was not far from \$70,000 annually; as the number of active militia then was about the same as it is now the difference in the expense seems quite too great. Ten or twelve years ago the towns in which militia companies were organized charged little or nothing for the use of the armories; during the war the practice was established of charging a high price, and, unfortunately, it has been continued since the return of peace. This is wrong. The towns in question ought to feel interested enough to furnish a room for the use of the militia without expense to the State. The Common-

wealth also pays the officers and men of the force, especially those of the cavalry branch, at a much higher rate than it did a dozen years ago. With the prices that now prevail, and the increased cost of almost everything, this to a considerable extent is unavoidable; but I have reason to believe from official information, that the expenses can be reduced some fifty thousand dollars annually without impairing the efficiency of the force. It will be the aim of the executive department to do whatever is practicable in this direction, and I respectfully commend the force and its interests to your friendly consideration.

Connected with the State arsenal property at Cambridge, there appears to be an extensive establishment, built up during the war, consisting of four large buildings, one of which is more than sufficient for the storage of all the military property of the State not in the hands of the militia. The annual cost for the repairs and superintendence of this property is about \$5,000; and it also costs over \$2,500 yearly for the transportation of camp equipage to and from the camping-grounds. I recommend the sale of this entire estate at Cambridge, and the purchase of suitable camping-grounds at a more central point, on which a small building should be erected for the storage of our camp equipage, thus saving the annual expense of transportation. The proceeds of the sale of the Cambridge property would not only buy and prepare the new grounds for use, but would also give a considerable sum of money to the public treasury; and I am convinced that the Commonwealth would be a gainer in many ways by the transaction.

I am informed that \$50,000 was appropriated last year for the purchase of breech-loading arms. As no expenditure has been made, and as the general government has now under advisement a plan for furnishing the militia of all the States with a uniform arm of this description, I suggest the propriety of awaiting the action of the authorities at Washington.

BANKS FOR SAVINGS.

The number of saving institutions in operation in the Commonwealth is one hundred and sixty. Their progress and increased business derive special interest from the fact, that their deposits are supposed to represent, for the most part, the earnings of labor. As no individual is allowed by law to deposit a larger sum than one thousand dollars, the aggregate of deposits and depositors must measurably show the general diffusion of wealth. The whole number of

depositors, according to the last report, is 560,890, while the amount of deposits is \$163,535,943; the increase of depositors during the past year was 82,093, and in the deposits it was \$27,790,845. These figures would appear to indicate general prosperity throughout the State in the year just closed.

Most of the institutions, so far as I am informed, are managed in a very safe and satisfactory manner; though I think it questionable whether the widely prevalent ambition to divide large dividends is not, on the whole, an unfavorable indication. The natural tendency is to diminish the security for the purpose of augmenting the dividend. This ambition also leads to a practice delaying the progress and injuring the prosperity of the Commonwealth,—that of charging too high a rate of interest on loans. As the moneys in these institutions are principally received from the middle and laboring class of our communities, this class, in turn, has a special claim upon them for loans at a reasonable figure. This portion of our population should be encouraged to secure homes for themselves and their families; and they cannot afford, and should not be required, to pay exorbitant rates for the use of money needful to the gaining of that end. I see no reason why the existing limitation of individual deposits to one thousand dollars should not be removed; the statute provision is frequently evaded by indirection, and one of its effects is to drive out of the State moneys which otherwise would be retained at home.

It seems not a little remarkable that it should have required legislative sanction to one hundred and sixty different Acts to bring our savings institutions into existence. The enactment of a general law, which I recommend, would obviate further necessity for special legislation on this head; and, if carefully drawn, I fail to see how it could be attended with any undesirable results.

RAILROAD LEGISLATION.

Beyond the passage of a general Act of incorporation, I see but little necessity at present for railroad legislation at this session of your honorable bodies. The main railway lines of the State are complete, or nearly so, and their latest reports indicate that they are mostly in a prosperous condition. When the numerous branch or neighborhood roads in process of construction are finished, the great majority of our citizens will have almost at their very doors means of steam communication with the outside world.

That railroads have added largely to our wealth, that they have built villages and towns on every hand, that they have promoted business enterprises and developed struggling industries, that they have quickened the life and stimulated the activity of the whole Commonwealth, and that in all this there is much for unstinted praise and commendation, no man at this day will pretend to controvert. Yet it should never be forgotten that railways are creatures of the State. Extraordinary powers and privileges have been granted to them, not to be used solely for their own benefit and aggrandizement, but upon conditions and with restrictions which make them in a measure public property, and responsible to the State for an honest and faithful discharge of their trusts. Each road has a special mission and must be held to its strict fulfilment. It is under obligation to furnish the best possible facilities for the accommodation of the public at the lowest possible cost, after retaining to itself a fair compensation above expenses for the use of its invested capital. Better roads, improved accommodations, and cheaper transportation are requisites of the hour. That the railway corporations of the State may be enabled to respond to the reasonable demand of the public in these regards, it is necessary that they should be wisely economical in expenditure and wisely liberal in management. It is vitally important, not less to their future than to the future of the community, that they encourage local business along their lines by affording cheap and rapid communication, not only with the markets, but also with the points supplying raw material used in manufactures and the mechanic arts.

The aggregate capital of the railroads within the Commonwealth is not far from fifty millions of dollars. The power of the railway interest, already difficult of control, yearly becomes greater. The manner in which this power is at times exercised is suggestive of grave dangers, against which we cannot too carefully guard the honor and good name of Massachusetts. Combinations to extend or prevent the extension of an old road, to build or prevent the building of a new one, with little regard for the public necessity or convenience, have become altogether too common. Many members of recent Legislatures were chosen for the express purpose of favoring or opposing certain railway schemes. Of course no such legislator enters upon his duty as a free man. Sent to these chambers by a clique for a specific purpose, whatever else he may fail to do, he thinks he cannot afford to disappoint the expectations of those to whom he owes his election, and to their will he sacrifices his independence as a

citizen and his duty as a member of the legislative body. Bargains outside lead to bargains within the very Legislature itself, and thence follow results almost invariably detrimental to the public welfare and debasing to the public conscience. One of the worst features of these combinations is that they draw about the State House a class of persons whose presence is not desirable, and whose influence is in no way beneficial. I meet you here to-day, gentlemen, in the ardent hope that your labors will be uninfluenced by bargains or combinations of whatever character.

Pass a general railroad law, sufficiently well guarded to protect the rights of the public, so that any body of citizens, under proper restrictions and subject to the approval of some branch of the government, may organize a company and build a railroad without the necessity of coming here for an Act of incorporation, and you will do away with many of the evils to which I have referred. Why such a general law should not be enacted I confess myself wholly unable to comprehend. First and last, nearly four hundred railway charters have been granted in this State, or more than one to every five miles of railroad ever constructed within our limits. The Legislature of last year passed no less than fifty-three railway enactments, of which fourteen were Acts of incorporation. The passage of one proper general law would have obviated the necessity for this and all similar special legislation. A railway code has been enacted in nearly every important State but our own, and experience has demonstrated its utility and advantage wherever fairly tried. I trust a law of this character may be made at the present session of your honorable bodies.

The report of the Railroad Commissioners of the State will be laid before you in the course of a few weeks. The gentlemen of the commission seem to me to be rendering useful service in an important work, and I ask your serious attention to the matters they have discussed with ability and foresight. The memory of a painful casualty near Boston since the adjournment of the last General Court will give force to their suggestions in the matter of additional precautions against railway accidents. The efforts of the commissioners to obtain from the corporations a revision of transportation tariffs have been rewarded with considerable success; and I think we may reasonably indulge the hope that one of the ultimate results of their labors will be a better understanding between the people and the railroads.

THE TROY AND GREENFIELD ROAD.

The Hoosac Tunnel enterprise has been prosecuted diligently during the past year, and the work is now progressing to reasonable satisfaction. Although up to this date the Messrs. Shanly have not made the full advance for which the contract with them stipulates, it is believed their facilities are such that they will be able to finish the Tunnel by March, 1874, the limit of time specified in the contract for its completion. When they assumed management, 9,341 feet had been opened; to the first of last month they had advanced the work by 7,737 feet, and there then remained 7,953 feet to complete the undertaking. But as they have finished the central shaft and are now working from four instead of two faces, we have every warrant for expecting much more rapid progress in the future than has been made hitherto. The net expenditure by the State for the Tunnel and the Troy and Greenfield Railroad up to December 31, 1871, exclusive of the interest account, was \$6,335,332.30.

It is highly gratifying to those who from the first have been earnest advocates of this great enterprise, to know that its ultimate and speedy completion is now beyond doubt or dispute. It can no longer be looked upon as a financial blunder necessarily bringing large loss to the Commonwealth. It may to-day be considered a grand success,—whether viewed as a triumph of untiring energy and masterly engineering proficiency, or as the opening of a great thoroughfare by the shortest route to the magnificent granary of the West and North-West. What is to be done with this railway when it is completed,—whether it shall be sold outright if a satisfactory price is offered, leased to some other road or roads for a term of years, or retained and operated by the State, are questions of much importance to our people. The execution of the vast project has cost so much of time and thought and money and patience, that we cannot easily be overzealous in regard to its future, nor can we afford to lose any of the benefits legitimately to be derived therefrom.

That the State itself can manage a railroad more economically, or so as to serve the public better than private corporations, is contrary to all our experience. As long as political parties contend for mastery, and the spoils are claimed by the victors, we must refrain from committing the management of our railways to the Commonwealth, and leave it to associations of persons who are held responsible to the State for the faithful discharge of their trusts. But whether this

Troy and Greenfield road be sold or leased, the State should never entirely relinquish control of the same. The enterprise was undertaken as a means to gain cheaper and quicker communication with the West. We must see that this end is realized, not only by our chief city and that portion of the State contiguous to the line of the road, but also by those sections more directly tributary to other roads intersecting this great thoroughfare. If by legislation we can afford equal opportunities to each of these intersecting lines, they in turn will distribute the same to the people of their respective neighborhoods. Thus, and thus only, by giving and maintaining equality of right and privilege to all connecting roads, can the State at large derive the benefit it should from the completion of the Tunnel.

THE STATE CHARITIES.

For details regarding our various reformatory institutions I refer you to their respective annual reports. The design of these institutions is to train up children whose characters are not formed, and to reclaim and save those who have fallen into or are inclined toward a vicious way of life. Through them the State deals directly with some 3,600 children every year. While as a whole they are well managed, and the expense of the reformatory work has been somewhat diminished, it is thought that certain changes can be made which will promote our corrective and benevolent ends, and at the same time enable us to effect a further material reduction in the aggregate cost of what is doing.

The Nautical School was established in the belief that it would be very useful in forming a good class of sailors. That it at least partially answered this expectation while the war furnished both an outlet and an incentive to the boys, is unquestionably true; but I seriously doubt the wisdom or expediency of continuing the school. At the date of the last report 144 boys were on the school ship,—kept there at an expense to the State nearly twice as great per boy as is incurred for those at Westborough. No thorough classification is possible on board the ship, and the very vicious and comparatively good are necessarily crowded together. They cannot be kept at study all the time; there is little opportunity to do anything else; and it is extremely difficult to provide them with suitable work. The system does not tend to reformation so much as the Westborough system. Few of the boys are willing to go to sea, and steam navigation having to so great an extent superseded the necessity for

sailing vessels, there is not much demand for them. During the past year only 29 were shipped, of whom 11 were placed in the revenue service, from which most of them promptly deserted. It is manifestly unwise to expend considerable sums in fitting boys for a calling which they are not to pursue, and I therefore recommend that early provision be made for the close of the school and the sale of the school ship.

The State almshouses at Monson and Bridgewater have been of little use the past few years in caring for the poor of the Commonwealth. There are but 66 at Monson and 85 at Bridgewater, according to the last reports, and a large proportion of these are mere boys and girls. The State poor of the class recently at these two points can be supported at less expense in the communities to which they belong, and certainly it would be far more agreeable to them and their families to be provided for in that manner. I do not see any valid objection to the change thus suggested, and therefore I recommend the discontinuance of the almshouses at Monson and Bridgewater.

The Commonwealth greatly needs a reformatory for boys and girls over sixteen years of age. We have nothing whatever for erring girls of this class but jails and houses of correction; and nothing for boys of the same class except that a few of those between sixteen and eighteen may be sent to the school ship. Hundreds of youths of both sexes go to destruction every year simply because we are without means for their temporal salvation. The Reform School at Westborough provides for boys under sixteen, as the Industrial School at Lancaster does for girls under that age. Having advised the breaking up of the Nautical School and the almshouses at Monson and Bridgewater, I suggest to your serious attention the expediency of providing at Monson, if it cannot be done at Lancaster, for the older girls guilty of minor offences, and at Bridgewater for a similar class of boys, as well as for those now on the school ship, most of whom are over sixteen. I am fully satisfied that by using buildings already constructed the changes I suggest could be carried out with very little expense to the State, and that it would be pecuniarily the gainer in the end, if, as certainly should be done, work is provided at Bridgewater for the boys and young men sent there. The new institutions might soon be made almost or wholly self-sustaining, and they would prove to be reformatories in the best sense, by furnishing juvenile offenders a chance to learn useful and remunerative trades, through which they could earn an

honest livelihood when restored to society and the world. I press this matter upon your sympathetic deliberation, convinced that the time is ripe for the action recommended, and with assured faith that the adoption of the policy thus indicated will result in the saving of many young men and young women, annually lost in the vortex of sin chiefly because there is no hand to guide them with tender regard into the paths of virtue

The State visiting agency was established in the summer of 1869 for the special purpose of looking after vicious and dependent children who had already come under the care of the Commonwealth or were candidates for its corrective custody. That it has been of abundant and excellent service in its legally designated field of operations, is beyond candid question. Through the efforts of the visiting agent the commitments to our reformatory institutions have been materially diminished. He has provided homes for some fifteen hundred children in good families, where they are surrounded by influences promotive of honor and integrity. By this arrangement the saving of expense to the State is great, while the advantage to the children cannot be computed in figures.

A stranger undertaking to study the workings of our charitable, reformatory and correctional system, must be surprised to learn how many advisory and supervisory boards and agents of one sort or another are connected therewith. He finds that each institution has its superintendent or general manager, with a board of trustees, overseers or inspectors, and perhaps an advisory board in addition; that there are also general agents whose duty seems to be to look after the management of the various separate institutions; and, finally, general boards or commissions whose duties are not very clearly defined, though they appear to have supervisory powers within certain limitations. Thus connected more or less directly with the higher branches of this work he ascertains that there are upward of twoscore boards and agents, most of them responsible to no particular head, widely differing in view as to plans of administration, frequently clashing as to their respective rights and jurisdiction. He sees a system, built up from time to time as the necessity of the case required, and observes that it was natural, as each institution came into being, to appoint a board charged with its interests; but now that the system has come measurably near completion, when the paramount object of solicitude should be to unify and perfect it as a whole, devising and introducing into each department the best possible plan for

the accomplishment of the work in hand, he is at a loss to understand why it is thought necessary to have so many separate, semi-independent officers and organizations to bring about the end which the system obviously seeks. He cannot comprehend why that end would not be reached more surely, more economically, more expeditiously, with less friction and less embarrassment of administration, by giving one board absolute control of the whole, with direct responsibility to the Executive or the Legislature for the detail as well as for the principles of management. With the limited opportunity I have had for looking into this matter, I confess that I am unable to see why some change ought not to be made, looking to the unification and simplification of our reformatory system, and the reduction in number of our boards and commissions, whence would follow a decrease in our annual expenditures under this head. By virtue of my office I shall be brought into intimate relations with these institutions during the year, and it will be my aim to study their management more thoroughly and to ascertain what means can be devised for increasing their efficiency and diminishing their expense.

SCHOOL MATTERS.

The annual report of the Secretary of the Board of Education will be laid before you, and I direct your attention to the suggestions and recommendations of that officer. The standing and character of a community are determined in no small degree by its school privileges. Happily in this Commonwealth the supreme importance of education was early understood; our common school system is a thing to contemplate with pride and uphold with steady hopefulness. That was a grand idea,—the rendering it possible for every child in the State to receive a free education; and no investment of our revenues has ever proved more profitable than that made in common schools. We cannot too carefully watch these schools, cannot too earnestly labor for their improvement. The future growth and prosperity of the Commonwealth are dependent upon them; if they are suffered to languish, the State will inevitably retrograde; if they are kept in a thriving condition, the State will just as inevitably advance to new conquests.

Through the untiring efforts of the secretary there has been healthy and regular progress in the right direction. Improved school-houses in every quarter are an indication of the popular feeling. The demand for more thorough and comprehensive teaching proves that at least a portion of our citizens appreciate the necessity of going forward if we would

continue to occupy a position in the front rank. The success of the Normal Schools, established to meet the pressing need for a higher class of instructors, and especially the recent call for an increase in the number of these schools, show that there is a growing desire to raise the standard of education. And yet, notwithstanding these cheering signs of the times, I am fully persuaded that our educational affairs are too much left to the management of the few. There is not that universal interest in the schools and the school system which ought to obtain. If we are to have model schools in a given town it will be because the people of that town determine to make them such. They will neither come of themselves nor through the sole endeavors of two or three individuals. Good teachers and good methods of instruction are requisite to the end in view, but these agencies can accomplish nothing more than partial results if the practical interest of the people themselves is wanting.

The salient features of our educational reports for the past year are, that the aggregate of expenditures in behalf of public schools was \$3,272,335, exclusive of \$1,712,073 expended in erecting school-houses, and that of 278,249 children in the Commonwealth between the ages of five and fifteen years, 273,661 were connected with the schools. That we expend over five million dollars annually for popular education, and that all our boys and girls but 4,588 are more or less constant in attendance upon the public schools, testifies to a condition of things rich in promise for the future standing of Massachusetts. What progress we are making will be shown by reference to past years,—say to 1858, when with 223,304 children, our public school expenses were \$1,474,488. In other words, for the six dollars and sixty cents devoted to each child in the State thirteen years ago, we now cheerfully spend eleven dollars and seventy-five cents.

The career of our Agricultural College has been observed with no ordinary interest. The school was at first looked upon by some of the wisest and most sanguine friends of liberal education as a doubtful experiment. Several institutions of the kind organized in other States had either wholly failed or met with indifferent success, and the wisdom of undertaking to furnish scientific education to young men intending to be farmers was widely questioned. The school has justified the faith of those who favored its organization, and now is generally admitted to be one of the most valuable institutions in the State. The course of instruction pursued there is thorough and comprehensive, and, as each student is required to perform a certain amount of out-door

labor every working-day, all who take the course gain a practical as well as a theoretical knowledge of farming. This institution is conceded by those competent to form an opinion to be one of the best of its class in the country. That it is so, is greatly owing to the rare energy and well-directed labors of its officers, who have omitted nothing of effort or sacrifice in its behalf to make it a model. It is crowded with students and prosperous to a remarkable degree, and has already become a source of just pride to the Commonwealth.

None of us can be unmindful of the growing desire among the women of the State for greater and improved educational privileges. After what has already been said on the general subject of education, I hardly need add that their demand for enlarged opportunity has my sympathy. I am not able to see why the intellect of the one sex is more entitled than that of the other to culture and strengthening. I do not insist that the course of instruction for young women should be like that laid down in our best colleges for young men, but it ought not in any respect to be inferior, and the facilities for study offered to the first-named ought to be as good as those enjoyed by the last-named. It is gratifying to know, therefore, that there will ere long be opened at Northampton, a woman's college of the highest and most liberal grade, founded on the noble bequest of the late Sophia Smith, of Hatfield, who left about four hundred thousand dollars for building and carrying on such an institution.

While general education has received much attention and encouragement from the State, technical education has been almost wholly neglected. We shall not reach our highest development as a Commonwealth until our elementary and classical schools are supplemented by institutions for instruction in the industries on which our prosperity so largely depends. Of our present population, probably two-thirds are engaged in mechanical or manufacturing pursuits or dependent upon those so engaged. The State has established an agricultural college for her farmers, and from the beginning of her history has dealt generously with such of her sons as aspired to knowledge of the higher branches of learning, but has done little for the education of her mechanics in their particular field of labor. Her duty to encourage and promote the special education of these classes rests upon two grounds: first, the welfare of the individuals directly concerned; and, second, the preservation of our manufacturing supremacy. A great part of the work of many manufacturing establishments is so dependent upon scientific attainment, that it

must ultimately take rank as a learned profession. Not only is a knowledge of chemistry, and a somewhat extended acquaintance with mathematics, highly desirable to the mechanic who aims at an advanced position in his trade, but skill in drawing is universally important and valuable, and it is with pleasure that I notice the introduction of teachers of drawing into some of our public schools. Such is our distance both from the raw material and from the market, and such is the competition we have to maintain, not only with the pauper labor of Europe, but, in the near future, with the growing industries of the West, that we can safely neglect no means calculated to give the labor of coming generations high proficiency. That technical education is a necessity to this end, the recent experience of European countries abundantly testifies, as will readily be found by any one who chooses to investigate the subject. I should rejoice to see institutions for instruction in mechanical specialties founded at all our manufacturing centres. The school at Worcester may be indicated as a type of the class which we need. In my judgment, the State should very cautiously give its aid toward the establishment of these schools, and only when the communities in which they are to be located will themselves subscribe the chief part of the cost.

LEGISLATIVE REFORM.

The unusual and unprecedented length of our legislative sessions during recent years has excited the wonder of other States and received the general condemnation of the people of our own. Can this evil, acknowledged to be such by all parties, by any means be overcome? Assembled here as the servants of the people, you are expected to transact all legitimate business that may come before you. The fact that the people themselves are in a great degree responsible for the multiplicity of measures forced upon consideration at each successive session does not seem to be a satisfactory answer to their complaint on this head. The public continually asserts that the Legislature is to blame for the long sitting. It is for us to consider if a remedy can be found for the grievance of which so much is said.

Many laws crudely drawn and hastily acted upon are passed at one session, only to be materially modified or wholly repealed at the next. Thus our code becomes encumbered with obsolete or worthless statutes, and our business relations are disturbed and embarrassed without corresponding good. Important Acts which have received the construction of the courts, and become thoroughly understood by the people, are

suddenly swept from the books because of some assumed or supposed defect, or by reason of prejudice in the minds of the few, and their places supplied with new Acts, speedily passed, which upon trial are found unequal to the accomplishment of what was desired. Hence it arises that one Legislature is continually undoing what a former one did. The grievance as to this particular point can be cured in but one way: law-makers should not consent to changes in existing statutes till they are clearly called for by the public welfare, and proposed changes should not be adopted until it is evident that they will be beneficial. So far as is possible we should avoid experimental legislation.

At the beginning of each session the general sentiment among the members is in favor of a short term. Very little of what they are required to do is accomplished, however, during the first four or six weeks. The time occupied by the Legislatures of many States in completing their work, is spent by ours fruitlessly, and when we ought to be about ready to adjourn we are only ready to enter upon the important measures before us. While it is neither my province nor my desire to interfere with either the appointment or the labors of the committees of your honorable bodies, yet may I not suggest that, if the several chairmen would be prompt in organizing their respective committees, and if each member would feel a personal responsibility to give his time and energy to the special work he is selected to perform, there would not be such a waste of days and weeks as there now is? This course of action would enable the various committees to make an early presentation of the results of their labors to their respective bodies; and thus we should avoid the crowding of important business into the last hours of the session and the crude legislation inevitably consequent upon such procedure.

But especially would I urge upon you the merits of general as opposed to special laws. The need of reform in this respect, becomes more imperative yearly. There is a growing disposition in the public mind against the granting of special privileges to the few, and in favor of such a system of legislation and administration as will bear upon and benefit all alike. When our population was small, special laws were to some extent a necessity. But the great changes which have taken place in the last twenty years, through the multiplication of railroads, the increase in means of various kinds for intercommunication, the introduction of new and the extension of old industries, the enlargement of our social and business duties and privileges, the development of wants and necessities, of cares and responsibilities, the widening and in

tensifying of thought and action consequent upon the daily use of steam and electricity and machinery, the extraordinary duplication of ties whereby we are brought into relations with other communities,—all this renders it necessary that you should take a larger view of your duty as legislators than was required of your predecessors of twenty or thirty years ago. Special legislation is not merely expensive to the State and wasteful of your time here ; it provokes local strifes, disturbs neighborly goodfellowship, creates jealousies between adjoining towns and villages, belittles the character of our legislation, and introduces elements of corruption into public life. In treating of our railroads and savings banks, I have already expressed the hope that you will pass general laws. My desire in this regard extends to all branches of civil administration to which the application of this principle is possible. The enactment of general codes would shorten our legislative sessions, simplify our methods of government, and be of incalculable advantage to the Commonwealth.

The daily expense of the Legislature is at least two thousand dollars. If by any means the length of the session could be reduced from five months to two months, the saving to the State would be more than one hundred and fifty thousand dollars. Or, if it be urged that the salary of the members is not affected by the length of the session, still, as that is only about half the aggregate expense, the saving would be not less than seventy-five thousand dollars. This is a retrenchment, commencing at our own doors, which it is well worth while to make if possible. In several States containing a population nearly as large as ours, and a breadth of territory much larger, there are only biennial legislative sessions constitutionally limited to sixty days, while in our largest States, such as New York and Pennsylvania, the sessions are not allowed to extend beyond one hundred days. In fact, there is scarcely a State of the Union beside our own in which the legislative sitting is more than one hundred days, even when confined to biennial or triennial terms. Whether the work before you can properly be done in the two months I have suggested, depends almost entirely upon your own fidelity and determination. Resolve to-day that it shall be done, and I see no reason why it may not be accomplished. No effort of mine shall be wanting to consummate this most desirable result.

Senators and Representatives :

I enter upon the duties of the Executive office with deep solicitude for the interests of the Commonwealth. In the

candor which I feel due to you and the occasion, I commit these inquiries and suggestions to your wise and generous consideration. The people expect us to consecrate our best endeavors to their service. Let us so discharge every trust, that, when called upon to render an account of our stewardship, we may possess the consciousness that we have been faithful servants.

SPECIAL MESSAGES.

THE FOLLOWING SPECIAL COMMUNICATIONS WERE MADE BY HIS
EXCELLENCY THE GOVERNOR, TO THE LEGISLATURE,
DURING THE ANNUAL SESSION.

[To the Senate, January 8.]

I have the honor to transmit herewith, for the information of the General Court, the Report of the Commissioners on the Provincetown Dike, and the Annual Reports of the Commissioners on Inland Fisheries, the Police Commissioners and the Surgeon-General of the Commonwealth.

[To the Senate, January 26.]

By request of His Excellency the Governor of New York, I transmit herewith, for the consideration of the General Court and such action as may appear to be advisable, a copy of an Act passed by the legislature of New York on the 20th of April, 1871, entitled "An Act to make a contribution towards the completion of the Washington National Monument."

[To the Senate, January 26.]

I have the honor to transmit herewith, for the information of the General Court, the annual report of the Commissioners of the Mystic River Corporation.

[To the House of Representatives, February 12.]

I have the honor to transmit herewith for the information of the General Court, and such disposition as may seem advisable, the Ninth Annual Report of the Trustees of the Massachusetts Agricultural College, with accompanying documents.

[To the House of Representatives, February 13.]

In compliance with an order adopted on the 10th inst. requesting that a copy of the Liquor Commissioner's Report for 1871 be furnished the House of Representatives, I have

the honor to transmit herewith a communication from the Secretary of the Commonwealth, covering the documents desired.

[To the Senate, March 5.]

I have the honor to transmit herewith, for the information of the General Court, the Annual Report of the Adjutant-General's Department for the year ending December 31, 1871.

CHANGE OF NAMES.

CHANGE OF NAMES OF PERSONS.

[In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following Changes of Names have been received at the Department of the Secretary of the Commonwealth, as decreed by the several Judges of the Probate Courts, in their respective Counties.]

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1871.			
January 2, .	Bertha Coleman,* . . .	Bertha Coleman Richardson, . . .	Boston.
“ 16, .	An unnamed infant,* . . .	Annie Gray Richardson, . . .	Braintree.
February 6, .	Susan Adelaide Phillips,* . . .	Susan Adelaide Low, . . .	Boston.
“ 20, .	Evelyn Lawrence Taylor,* . . .	Evelyn Pettingill, . . .	Boston.
“ 21, .	Ormonde Macbrien, . . .	Ormonde Macbrien Reid, . . .	Boston.
“ 27, .	Emma Hunt,* . . .	Emma Hunt Varney, . . .	Chelsea.
“ 27, .	Minnie Maud Stewart,* . . .	Minnie Maud Stackpole, . . .	Boston.
March 6, .	Minnie Carrol Cooley,* . . .	Minnie Carrol Dow, . . .	Boston.
“ 10, .	Reliance Freeman Crosby, . . .	Gertrude Freeman Crosby, . . .	Chelsea.
“ 13, .	George Byron Chapin,* . . .	George Byron Adams, . . .	Chelsea.
“ 13, .	Alberti Christy,* . . .	Grace Irving Whiting, . . .	Philadelphie.

CHANGE OF NAMES.

April 3,	.	.	— Rounds,*	.	.	.	Sarah Louise Knapp,	.	.	.	Boston.
" 8,	.	.	Grace Maud Belknap,*	.	.	.	Grace Belknap Winch,	.	.	.	Boston.
May 3,	.	.	Edward Flood Smith,	.	.	.	Edward Flood,	.	.	.	Boston.
" 8,	.	.	Joseph Henry Ridlon Kendall,*	.	.	.	Joseph Henry Ridlon,	.	.	.	Charlestown.
" 22,	.	.	Alice Lee Gookin,*	.	.	.	Alice Lee,	.	.	.	Hampton, N. H.
June 12,	.	.	Frank Cornin,*	.	.	.	Harry Henderson Piper,	.	.	.	Boston.
" 26,	.	.	Francis Davis Baker,	.	.	.	Francis Woods Baker,	.	.	.	Boston.
July 17,	.	.	Rosa Sherburne,*	.	.	.	Jennie May Aldrich,	.	.	.	Boston.
" 18,	.	.	Fanny Elizabeth Crory,	.	.	.	Fanny Elizabeth Benedict,	.	.	.	Boston.
Aug. 14,	.	.	George Franklin Marshall,*	.	.	.	George Franklin Marshall Ricketson,	.	.	.	New York City.
" 21,	.	.	Margaret Josephine Wakefield,*	.	.	.	Margaret Josephine Maguire,	.	.	.	Needham.
" 25,	.	.	James Edward Savage,	.	.	.	James Edward Pollo,	.	.	.	Boston.
Sept. 11,	.	.	Mary Vincent,*	.	.	.	Mabel Louise Simmons,	.	.	.	Unknown.
Oct. 23,	.	.	Anna Vinton Wilde,*	.	.	.	Anna Virginia Wilde,	.	.	.	Randolph.
" 23,	.	.	Nelly Porter Childs,	.	.	.	Helen Porter Childs,	.	.	.	Boston.
Nov. 20,	.	.	Lucy West Coffin,*	.	.	.	Louise West Pray,	.	.	.	New Bedford.
" 27,	.	.	Georgie Hill Marks,*	.	.	.	Georgie Hill Emery,	.	.	.	Ship Harbor, N. S.
" 27,	.	.	Henrietta Razour,*	.	.	.	Alice Ella Rugg,	.	.	.	Chelsea.
Dec. 4,	.	.	Theodore Razour,*	.	.	.	Theodore Fowle,	.	.	.	Chelsea.
" 4,	.	.	Minnie Angeline Sawtelle,	.	.	.	Minnie Angeline Holmes,	.	.	.	Boston.

* Minors: names changed by reason of adoption.

ESSEX COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1871.			
January 3, . . .	Amelia Beane,* . . .	Amelia Butts, . . .	Gloucester.
" 3, . . .	Cynthia Elvira Watts,† . . .	Cynthia Anna Nichols, . . .	Lynn.
February 14, . . .	Jane Rendle Hainsworth,* . . .	Jane Rendle, . . .	Lawrence.
March 7, . . .	Annie Florence Elwell,* . . .	Florence Merlina Bridge, . . .	Rockport.
" 7, . . .	Henrietta Frances Trask,* . . .	Henrietta Frances Standley, . . .	Beverly.
April 4, . . .	Carrie Emma McIntire,* . . .	Carrie Emma Dearborn, . . .	Salem.
" 4, . . .	George Washington Thomes, . . .	George Washington Stanton, . . .	Lynn.
" 4, . . .	Emma Frances Trask, . . .	Emma Frances Standley, . . .	Beverly.
May 2, . . .	Maria L. Chester,* . . .	Maria L. Bates, . . .	Marblehead.
" 2, . . .	Oscar Watson,* . . .	Oscar W. Clark, . . .	Wenham.
June 13, . . .	Aggie S. Brown,* . . .	Aggie S. Colson, . . .	Lynn.
September 5, . . .	Ella Essulia Sleeper,* . . .	Ella Essulia Roberts, . . .	Lynn.
" 12, . . .	Charles Francis Dresser,* . . .	Frank Gurley, . . .	Haverhill.
October 3, . . .	Jennie L. Durgin,* . . .	Jennie Lucy Langley, . . .	Lynn.
November 7, . . .	John Hurley, . . .	John Francis Hurley, . . .	Salem.

MIDDLESEX COUNTY.

CHANGE OF NAMES.

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March 28, .	Arthur Wellesley Newell, .	Arthur Henry Newell, .	Cambridge.
May 2, .	Edward Ward Hinks, .	Edward Winslow Hincks, .	Cambridge.
" 28, .	Silas Edmund Reed, .	Burkner Franklin Burlington, .	Wakefield.
July 11, .	Peter Christmas, .	Peter Noel, .	Marlborough.
November 7, .	James Moroney, .	James Murray, .	Waltham.
" 7, .	Eliza Moroney, .	Eliza Murray, .	Waltham.
January 3, .	Greenough Lincoln Bill,*	Charles Greenough Lincoln, .	Cambridge.
" 10, .	Mary Ann Riley,*	Mary Ann Lynch, .	Woburn.
" 10, .	Emma Amanda McCleary,*	Gertrude Eloise Drew, .	Charlestown.
" 17, .	Charles W. Parsons,*	Adelbert Wellington Hay, .	Lowell.
" 24, .	Minnie Edna Thimme,*	Minnie Edna Carter, .	Ashland.
February 7, .	Charlie Glyde,*	Charles Edward Lincoln, .	Natick.
" 28, .	Mary Elizabeth Arnold,*	Mary Arnold Tufts, .	Newton.
April 11, .	John Carney,*	John Francis Mack, .	Charlestown.
May 16, .	Catharine Coughlin,*	Catherine Coughlin Robinson, .	Woburn.
" 23, .	Gracie Getchell,*	Gracie Lincoln Harding, .	Charlestown.
" 23, .	A female child,*	Lillie Mary Stinehart, .	Somerville.
June 6, .	Charles Sullivan,*	Charles Timothy Mahoney, .	Woburn.

* Minor: names changed by reason of adoption.

† Not a minor; but name changed upon adoption.

ESSEX COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1871.			
January 3, . . .	Amelia Beane,* . . .	Amelia Butts, . . .	Gloucester.
" 3, . . .	Cynthia Elvira Watts,† . . .	Cynthia Anna Nichols, . . .	Lynn.
February 14, . . .	Jane Rendle Hainsworth,* . . .	Jane Rendle, . . .	Lawrence.
March 7, . . .	Annie Florence Elwell,* . . .	Florence Merlina Bridge, . . .	Rockport.
" 7, . . .	Henrietta Frances Trask,* . . .	Henrietta Frances Standley, . . .	Beverly.
April 4, . . .	Carrie Emma McIntire,* . . .	Carrie Emma Dearborn, . . .	Salem.
" 4, . . .	George Washington Thomes, . . .	George Washington Stanton, . . .	Lynn.
" 4, . . .	Emma Frances Trask, . . .	Emma Frances Standley, . . .	Beverly.
May 2, . . .	Maria L. Chester,* . . .	Maria L. Bates, . . .	Marblehead.
" 2, . . .	Oscar Watson,* . . .	Oscar W. Clark, . . .	Wenham.
June 13, . . .	Aggie S. Brown,* . . .	Aggie S. Colson, . . .	Lynn.
September 5, . . .	Ella Essulia Sleeper,* . . .	Ella Essulia Roberts, . . .	Lynn.
" 12, . . .	Charles Francis Dresser,* . . .	Frank Gurley, . . .	Haverhill.
October 3, . . .	Jennie L. Durgin,* . . .	Jennie Lucy Langley, . . .	Lynn.
November 7, . . .	John Hurley, . . .	John Francis Hurley, . . .	Salem.

MIDDLESEX COUNTY.

March 28, .	Arthur Wellesley Newell, .	Arthur Henry Newell, .	Cambridge.
May 2, .	Edward Ward Hinks, .	Edward Winslow Hinks, .	Cambridge.
" 28, .	Silas Edmund Reed, .	Burkner Franklin Burlington, .	Wakefield.
July 11, .	Peter Christmas, .	Peter Noel, .	Marlborough.
November 7, .	James Moroney, .	James Murray, .	Waltham.
" 7, .	Eliza Moroney, .	Eliza Murray, .	Waltham.
January 3, .	Greenough Lincoln Bill,*	Charles Greenough Lincoln, .	Cambridge.
" 10, .	Mary Ann Riley,*	Mary Ann Lynch, .	Woburn.
" 10, .	Emma Amanda McCleary,*	Gertrude Eloise Drew, .	Charlestown.
" 17, .	Charles W. Parsons,*	Adelbert Wellington Hay, .	Lowell.
" 24, .	Minnie Edna Thimme,*	Minnie Edna Carter, .	Ashland.
February 7, .	Charlie Glyde,*	Charles Edward Lincoln, .	Natick.
" 28, .	Mary Elizabeth Arnold,*	Mary Arnold Tufts, .	Newton.
April 11, .	John Carney,*	John Francis Mack, .	Charlestown.
May 16, .	Catharine Coughlin,*	Catherine Coughlin Robinson, .	Woburn.
" 28, .	Gracie Getchell,*	Gracie Lincoln Harding, .	Charlestown.
" 28, .	A female child,*	Lillie Mary Stinehart, .	Somerville.
June 6, .	Charles Sullivan,*	Charles Timothy Mahoney, .	Woburn.

* Minors : names changed by reason of adoption.

† Not a minor ; but name changed upon adoption.

MIDDLESEX COUNTY — Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1871.			
June 6, . . .	Winifred Constantine,* . . .	Winnifred Mitchell, . . .	Lowell.
July 25, . . .	Minnie Hart,* . . .	Minnie Clark, . . .	Lowell.
September 5, . . .	Hattie Heather,* . . .	Kittie Mary Newman Sawyer,. . .	Newton.
“ 5, . . .	A female child,* . . .	Nettie Blanche Wright, . . .	Lowell.
“ 19, . . .	Edgar DeWitt Livingston,* . . .	Edgar Robert Champlin,. . .	Cambridge.
“ 26, . . .	George Albert Penn,* . . .	George Albert Barnes, . . .	Lowell.
November 7, . . .	Arthur Clinton Shaw,* . . .	Wesley Frederick Howard, . . .	Ashland.
“ 14, . . .	Nellie Gertude Haynes,* . . .	Nellie Gertrude Hayward, . . .	Ashby.
“ 14, . . .	Frank Erastus Miller,* . . .	Frank Gould Proctor, . . .	Ashland.
December 5, . . .	Mary Lizette Drake,* . . .	Mary Lizette Boyd, . . .	Somerville.
“ 12, . . .	Franklin Henry Walker,* . . .	Frank Albert Mansfield, . . .	New York.
“ 26, . . .	Mary A. Reynolds,* . . .	Mary Eva Conant, . . .	Lowell.

WORCESTER COUNTY.

January 8, . . .	Sarah Cogans, . . .	Sarah Jane Cogans Kelley, . . .	Gardner.
“ 17, . . .	Clara Belle Davis, . . .	Clara Belle Withington, . . .	Fitchburg.

CHANGE OF NAMES.

February 7,	.	John Chicoine,	.	.	.	John Bedard, .	.	Northbridge.
" 21,	.	.	.	.	.	Stella Viola Partridge,	.	Royalston.
" 21,	.	George Hoseman,	.	.	.	George Washington Samson,	.	Worcester.
" 21,	.	Sarah A. Cooley,	.	.	.	Nellie Gleason,	.	Webster.
March 7, .	.	Lillie E. Sheldon,	.	.	.	Lillie E. Nichols,	.	Templeton.
April 4, .	.	Armet Powers,	.	.	.	Frank Arthur Miller,	.	Brookfield.
" 18, .	.	Ellen Slimonds,	.	.	.	Ellen Slimonds Potts,	.	Clinton.
May 2, .	.	— Walker,	.	.	.	Charles Henry Ellis,	.	Worcester.
" 2, .	.	Joanna B. Chadbourn,	.	.	.	Joanna B. Radcliffe,	.	Fitchburg.
" 10, .	.	James W. Thresher,	.	.	.	James W. Potter,	.	Barre.
" 10, .	.	Clara Jones,	.	.	.	Clara Silvers,	.	Worcester.
" 10, .	.	Cora Louise Weaver,	.	.	.	Cora Louise Stone,	.	Leicester.
" 16, .	.	Zula E. Evans,	.	.	.	Lizzie Luella Rugg,	.	Sterling.
July 18, .	.	Franklin Campbell,	.	.	.	Franklin Campbell Schultz,	.	Rutland.
September 5,	.	— Andrews,	.	.	.	Sarah Jane Vizina,	.	Spencer.
" 5,	.	Jennie L. Pierce,	.	.	.	Jennie L. Ware,	.	Spencer.
" 5,	.	Mary Ann Drenning,	.	.	.	Mary Drenning Temple,	.	Gardner.
" 19,	.	Alice Hussey,	.	.	.	Alice Hussey Moran,	.	Athol.
" 19,	.	Minnie L. Laverty,	.	.	.	Minnie Locke Jones,	.	Worcester.

* Minors : name changed by reason of adoption.

CHANGE OF NAMES.

WORCESTER COUNTY—*Concluded.*

October 11, . . .	Elizabeth Marsh Everett, . . .	Elizabeth March Reed, . . .	Brookfield.
" 11, . . .	Sumner Haynes Everett, . . .	Sumner Haynes Reed, . . .	Brookfield.
November 7, . . .	Clarence C. Prouty, . . .	Clarence Austin Humea, . . .	Worcester.
" 21, . . .	Mary Chamberlain, . . .	Mabel Marian Ballou, . . .	Winchendon.
December 5, . . .	Henry N. Hunting, . . .	Henry Nelson Rice, . . .	Hubbardston.
" 19, . . .	Frances A. Lewis, . . .	Caro. Frances Goulding, . . .	Worcester.

HAMPSHIRE COUNTY.

July 5, . . .	Maria Estelle Woods, . . .	Maria Estelle Dearborn, . . .	Belchertown.
November 8, . . .	Eddie Hawks, . . .	Eddie Hawks Goodale, . . .	Amherst.

HAMPDEN COUNTY.

June 6, . . .	Pamelia Witt,† . . .	Pamelia De Witt, . . .	Springfield.
" 6, . . .	Edmund Dickinson Witt,† . . .	Edmund Dickinson De Witt, . . .	Springfield.
" 6, . . .	Jennette Sophia Witt,† . . .	Jennette Sophia De Witt, . . .	Springfield.

June 6, . . .	Timothy Edward McMasters,† . . .	Timothy Edward Masters, . . .	Holyoke.
November 8, . . .	{ Edward C. Dallgster, alias Edward C. } Keeper,†	Edward Charles Allen,	Westfield.
March 21, . . .	Elma A. Holcomb,†	Elma A. Pratt,	Granville.
July 6, . . .	William Doyle,*	William Thomas Farrington,	Holyoke.
September 5, . . .	Mary Harris,*	Mary Barney,	Holyoke.
December 5, . . .	William Sullivan,*	William Matthews,	Springfield.

FRANKLIN COUNTY.

June 6, . . .	Mary Estelle Bortney,	Mary Estella Gunn,	Sunderland.
May 2, . . .	Freddie D. Reynolds,*	Freddie D. Freeman,	Leverett.
“ 9, . . .	Eva M. Allen,*	Eva M. Bass,	Warwick.
“ 23, . . .	Gertie May Hitchcock,*	Gertie May Thwing,	Hawley.
June 6, . . .	Arthur William Morse,*	Willie Arthur Wright,	Northfield.
August 14, . . .	Infant child of C. M. Howland,*	Herbert Russell Lee,	Conway.
September 5, . . .	Jessie Watson,*	Alice Georgie Rand,	Orange,
December 12, . . .	Abie Augusta Adams,*	Lula Augusta Tenney,	Orange.

* Minors : name changed by reason of adoption.

† Adults.

‡ Adult; adopted.

CHANGE OF NAMES.

BERKSHIRE COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1871.			
January 3, . . .	Hattie Fleming, . . .	Hattie Maria Bentley, . . .	Savoy.
February 7, . . .	Dora Gray, . . .	Dora Gray Fuller, . . .	Pittsfield.
" 7, . . .	Julia Clark Jenkins, . . .	Louisa Jenkins Stebbins, . . .	Adams.
March 7, . . .	Evelina B. Hicks, . . .	Evelina B. Cleghorn, . . .	Adams.
April 4, . . .	Nellie Bard, . . .	Nellie Kaley, . . .	Cheshire.
May 3, . . .	Julia Evans, . . .	Julia Lawrence, . . .	Lee.
June 6, . . .	Harriet Augusta Avery, . . .	Harriet Augusta Hawley, . . .	Windsor.
" 6, . . .	Lillian M. Hudson, . . .	Lillian M. Seymour, . . .	Stockbridge.
July 20, . . .	Caroline E. Haynes, . . .	Caroline E. Ballou, . . .	Adams.
September 5, . . .	Jennie Etta Butterfield, . . .	Jennie Etta Mallery, . . .	New Ashford.
" 5, . . .	Mary E. Mead, . . .	Mary E. Doherty, . . .	Pittsfield.
" 5, . . .	Margarett Mead, . . .	Margarett Doherty, . . .	Pittsfield.

NORFOLK COUNTY.

February 15, . . .	Ebenezer Prince Burgess, . . .	Ebenezer George Burgess, . . .	Dedham.
March 8, . . .	Ada Ellen Beasley,* . . .	Ida Helen Sanborn, . . .	Quincy.

CHANGE OF NAMES.

May 3, . . .	Sarah Maria King,*	. . .	Alice Poyner, . . .	. . .	Needham.
" 3, . . .	Hannah Augusta Hixon, .	. . .	Anna Augusta Hixon, .	. . .	Medway.
June 21, . . .	Angeline Turner,* . . .	. . .	Angeline Toon, . . .	. . .	Needham.
" 28, . . .	William Everett Morton,*	. . .	Wm. Everett Wortman, . .	. . .	Randolph.
" . . .	Almira Frances Stearns, .	. . .	Almira Frances Daniels, .	. . .	Foxborough.
July 26, . . .	Francis Welch, . . .	. . .	Francis Sargent, . . .	. . .	Medway.
" . . .	James E. Welch, . . .	. . .	James E. Sargent, . . .	. . .	Medway.
September 27, . . .	Lucy Ann Wellington,* . .	. . .	Florence Louisa Carter, .	. . .	Quincy.
October 4, . . .	Charles Henry Aldrich,* .	. . .	Charles Henry Fisher, . .	. . .	Norfolk.

BRISTOL COUNTY.

January 6, . . .	Weston E. De Moranville, .	. . .	Weston L. Cook, . . .	. . .	Westport.
" 18, . . .	William Henry Tallman, .	. . .	William Henry Gifford, .	. . .	Dartmouth.
March 3, . . .	Charles D. West, . . .	. . .	Charles S. Morse, . . .	. . .	New Bedford.
April 7, . . .	Name unknown, . . .	. . .	William H. C. Snow, . .	. . .	New Bedford.
" 21, . . .	Elizabeth Eveline Hervey, .	. . .	Name unchanged, . . .	. . .	Attleborough.
June 2, . . .	James Michael Kaniry, . .	. . .	James Michael Noonan, .	. . .	Taunton.
" 21, . . .	Horace C. Hull, . . .	. . .	James Collins Rockwell, .	. . .	New Bedford.
July 14, . . .	William Waring, . . .	. . .	William J. Waring, . . .	. . .	Fall River.

* Minors: name changed by reason of adoption.

BRISTOL COUNTY—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1871.			
July 14, . . .	Martin R. Chace, . . .	Martin R. Wallace, . . .	Fall River.
August 4, . . .	Name unknown, . . .	Ada Allen, . . .	New Bedford.
October 20, . . .	William Manchester, . . .	William Durfee, . . .	Fall River.
November 17, . . .	Anna Bragdon, . . .	Anna Bragdon Chaffin, . . .	Easton.
“ 17, . . .	Robert W. McBurney, . . .	Robert Chaffin Randall, . . .	Easton.

PLYMOUTH COUNTY.

March 13, . . .	Delphenia W. Shaw,* . . .	Delphenia Laustein Wade, . . .	Carver.
May 8, . . .	Emma F. Paine,* . . .	Mary Emma Bourne, . . .	Marshfield.
October 23, . . .	Emma C. Bolles,* . . .	Emma C. Tripp, . . .	Marion.
November 13, . . .	John E. Robinson, . . .	John Washburn, . . .	Plymouth.
“ 27, . . .	Unnamed child,* . . .	William Leonard White, . . .	Bridgewater.

BARNSTABLE COUNTY.

April 20, . . .	Abby N. Clark, . . .	Abby Frank Nye, . . .	Sandwich.
May 18, . . .	Charles P. Valentine, . . .	Charles P. Jacint, . . .	Provincetown.
" 18, . . .	Manuel Valentine, . . .	Manuel Pevear, . . .	Provincetown.
September 12, . . .	Ada Hubert Baxter, . . .	Ada Baxter, . . .	Dennis.

DUKES COUNTY.

June 5, . . .	Frederick A. Quinnell,* . . .	Frederick O. Luce, . . .	Edgartown.
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* Minors : name changed by reason of adoption.

No application for change of name has been made to the Judge of Probate for the County of Nantucket.

THE
CIVIL GOVERNMENT

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,
FOR THE POLITICAL YEAR

1872.

EXECUTIVE DEPARTMENT.

HIS EXCELLENCY
WILLIAM B. WASHBURN,
GOVERNOR.
SIDNEY ANDREWS, *Private Secretary.*

HIS HONOR
JOSEPH TUCKER,
LIEUTENANT-GOVERNOR.

COUNCIL—(BY DISTRICTS.)

I.—ALFRED MACY.	V.—JOHN F. HARRIS.
II.—WILLIAM L. REED.	VI.—JONATHAN B. WINN.
III.—MILO HILDRETH.	VII.—ELIJAH B. STODDARD.
IV.—JONAS FITCH.	VIII.—EDWIN CHASE.

OLIVER WARNER,

SECRETARY OF THE COMMONWEALTH.

CHARLES W. LOVETT, *1st Clerk.* BENJAMIN C. PIPER, *2d Clerk.*

CHARLES ADAMS, JR.,

TREASURER AND RECEIVER-GENERAL.

DANIEL H. ROGERS, *1st Clerk.* ARTEMAS HARMON *2d Clerk.*

CHARLES ENDICOTT,

AUDITOR.

EDWARD S. DAVIS, *1st Clerk.* AUGUSTUS BROWN, *2d Clerk.*

CHARLES R. TRAIN,

ATTORNEY-GENERAL.

JAMES C. DAVIS, *Assistant Attorney-General.*

LEGISLATIVE DEPARTMENT.

GENERAL COURT:

ARRANGED IN ACCORDANCE WITH THE DISTRICT REVISION OF 1866.

SENATE.

President—HORACE H. COOLIDGE.

District.	Name of Senator.	Residence.
First Suffolk, . . .	Rufus S. Frost, . . .	Chelsea.
Second " . . .	Alonzo W. Boardman, . . .	Boston.
Third " . . .	Charles Hale,* . . .	Boston.
Fourth " . . .	Horace H. Coolidge, . . .	Boston.
Fifth " . . .	Wm. H. Learnard, Jr., . . .	Boston.
Sixth " . . .	Robert Johnson, . . .	Boston.
First Essex, . . .	Orrin Hewes, . . .	Lynn.
Second " . . .	Daniel E. Safford, . . .	Hamilton.
Third " . . .	John K. Tarbox, . . .	Lawrence.
Fourth " . . .	David T. Woodwell, . . .	Newburyport.
Fifth " . . .	Newell Giles, . . .	Rockport.
First Middlesex, . . .	William B. Long, . . .	Charlestown.
Second " . . .	Joseph S. Potter, . . .	Arlington.
Third " . . .	Robert O. Fuller, . . .	Cambridge.
Fourth " . . .	J. Newton Pike, . . .	Ashland.
Fifth " . . .	Levi Wallace, . . .	Pepperell.

* Mr. Hale resigned his seat Feb. 29, and Mr. Francis W. Jacobs was elected in his place.

District.	Name of Senator.	Residence.
Sixth Middlesex, .	Carroll D. Wright, . .	Reading.
Seventh " .	George F. Richardson, .	Lowell.
First Worcester, .	Adin Thayer, . . .	Worcester.
Second " .	Samuel M. Griggs, . .	Westborough.
Third " .	A. J. Bartholomew, . .	Southbridge.
Fourth " .	Baxter D. Whitney, . .	Winchendon.
Fifth " .	George A. Torrey, . .	Fitchburg.
First Hampden, .	William L. Smith, . .	Springfield.
Second " .	Reuben Noble, . . .	Westfield.
Hampshire, . . .	Rufus D. Woods, . . .	Enfield.
Franklin, . . .	George Sheldon, . . .	Deerfield.
Berkshire, . . .	Shepard Thayer, . . .	Adams.
Berksh'e & Hampshire,	Elisha H. Brewster, . .	Worthington.
First Norfolk, . .	James S. Whitney, . .	Brookline.
Second " . .	Thos. L. Wakefield, . .	Dedham.
Third " . .	Erastus P. Carpenter, .	Foxborough.
First Plymouth,. .	George W. Lobdell, . .	Mattapoisett.
Second " . .	Lloyd Parsons, . . .	Bridgewater.
Norfolk & Plymouth,. .	James Humphrey, . . .	Weymouth.
First Bristol, . .	Frederick L. Ames, . .	Easton.
Second " . .	Isaac H. Coe, . . .	New Bedford.
Third " . .	Charles P. Stickney, . .	Fall River.
Cape, . . .	Joseph K. Baker, . . .	Dennis,
Island, . . .	Charles Bradley, . . .	Tisbury.

STEPHEN N. GIFFORD, *Clerk.*

EDWARD ABBOTT, *Chaplain.*
JOHN MORISSEY, *Sergeant-at-Arms.*

HOUSE OF REPRESENTATIVES.

Speaker—JOHN E. SANFORD.

COUNTY OF SUFFOLK.

District.	Ward.	Name of Representative.	Residence.
1st,	Boston, Ward 1,	{ Henry S. Washburn, Edward Pearl, . Henry B. Hill, .	Boston. Boston. Boston.
2d,	Boston, Ward 2,	{ Michael Carney, . William Taylor, . Henry Splain, .	Boston. Boston. Boston.
3d,	Boston, Ward 3,	{ George Going, . John Newell, . Charles M. Kingsley,	Boston. Boston. Boston.
4th,	Boston, Ward 4,	{ John A. Lamson, . Samuel M. Quincy, . Barney Hull, .	Boston. Boston. Boston.
5th,	Boston, Ward 5,	{ John J. Murphy, . George A. Shaw, . Edward B. Rankin, .	Boston. Boston. Boston.
6th,	Boston, Ward 6,	{ Frederick W. Lincoln, Charles R. Codman, . John J. Smith, .	Boston. Boston. Boston.
7th,	Boston, Ward 7,	{ Hugh J. Toland, . Patrick O'Connor, . Michael J. Croak, .	Boston. Boston. Boston.
8th,	Boston, Ward 8,	{ Moses Kimball, . Ira L. Moore, . Julius K. Banister, .	Boston. Boston. Boston.
9th,	Boston, Ward 9,	{ Francis D. Stedman, Jeremiah L. Newton,	Boston. Boston.
10th,	Boston, Ward 10,	{ Noah Lincoln, . Samuel B. Hopkins, .	Boston. Boston.

HOUSE OF REPRESENTATIVES.

COUNTY OF SUFFOLK—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	Boston, Ward 11, . {	Charles V. Poor, . Edward W. Griggs, . Daniel A. Patch, .	Boston. Boston. Boston.
12th,	Boston, Ward 12, . {	Albert J. Wright, . Liberty D. Packard, .	Boston. Boston.
13th,	{ Chelsea, . . . Revere,* . . . Winthrop, . . .	Horatio B. Hersey, . Elbridge C. Donnell, Thomas W. Porter, .	Chelsea. Chelsea. Revere.

COUNTY OF ESSEX.

1st,	{ Salisbury, . . . Amesbury, . . . West Newbury, . . }	Benjamin F. Sargent, James H. Durgin, .	Amesbury. West Newbury.
2d,	{ Haverhill, . . . Bradford, . . .	William E. Blunt, . Henry O. Burr, . Almond R. Lancaster,	Haverhill. Haverhill. Haverhill.
3d,	{ Lawrence, . . . Methuen, . . .	Horace C. Bacon, . Patrick Murphy, . Joseph E. Howe, .	Lawrence. Lawrence. Methuen.
4th,	{ Andover, . . . North Andover, . . }	George H. Poor, .	Andover.
5th,	{ Georgetown, . . . Groveland, . . . Boxford, . . .	Leverett Hopkinson, .	Groveland.
6th,	{ Newburyport, . . . Newbury, . . .	Robert Couch, . . George W. Clark, . William Cushing, .	Newburyport. Newburyport. Newburyport.
7th,	{ Ipswich, . . . Rowley, . . .	Charles A. Sayward, .	Ipswich.
8th,	{ Gloucester, . . . Essex, . . .	Benjamin H. Corliss, . Charles P. Thompson, John C. Choate, .	Gloucester. Gloucester. Essex.
9th,	Rockport, . . .	James W. Bradley, .	Rockport.
10th,	{ Beverly, . . . Manchester, . . . Hamilton, . . .	Freeborn W. Cressy, Nathan H. Webb, .	Beverly. Beverly.

* Name of North Chelsea was changed to Revere, March 24, 1871.

HOUSE OF REPRESENTATIVES.

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COUNTY OF ESSEX—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
11th,	{ Danvers, . . . } Wenham, . . . }	George H. Peabody, .	Danvers.
12th,	Peabody, . . .	Charles V. Hanson, .	Peabody.
13th,	{ Salem, Wards 1, 2 } and 3, . . . }	Willard P. Phillips, . George Sanborn, .	Salem. Salem.
14th,	Salem, Wards 4 and 6,	William A. Creesy, .	Salem.
15th,	{ Marblehead, and } Ward 5, Salem, . }	Francis E. Pedrick, . George Hatch, .	Marblehead. Marblehead.
16th,	{ Lynn, Ward 4, and } Nahant, . . . }	Bowman B. Breed, .	Lynn.
17th,	Lynn, Wards 2 and 5,	John W. Blaney, .	Lynn.
18th,	{ Lynn, Ward 3, and } Swampscott, . }	Henry B. Lovering, .	Lynn.
19th,	{ Lynn, Wards 1, 6 } and 7, . . . }	James P. Bacheller, .	Lynn.
20th,	{ Saugus, . . . } Lynnfield, . . . } Middleton, . . . } Topsfield, . . . }	Anson McLoud, .	Topsfield.

COUNTY OF MIDDLESEX.

1st,	Charlestown, Ward 1,	Oliver Ayers, . .	Charlestown.
2d,	Charlestown, Ward 2, {	Thomas B. Harris, . Joseph H. Cotton, .	Charlestown. Charlestown.
3d,	Charlestown, Ward 3, {	Andrew J. Bailey, . Charles Curtis, .	Charlestown. Charlestown.
4th,	{ Somerville, . . . } Malden,* . . . }	Charles H. Taylor, . Samuel A. Carlton, . John H. Abbott, .	Somerville. Somerville. Malden.
5th,	Medford, . . .	Benjamin F. Hayes, .	Medford.

* Town of Everett incorporated March 9, 1870, embracing a portion of the town of Malden. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

COUNTY OF MIDDLESEX—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
6th,	{ Arlington, . . } { Winchester, . . }	David N. Skillings, .	Winchester.
7th,	{ Cambridge, Ward 1, } { " Ward 5, }	Charles F. Walcott, .	Cambridge.
8th,	{ Cambridge, Ward 2, } { " Ward 4, }	John McDuffie, . Curtis C. Nichols, . John W. Hammond, .	Cambridge. Cambridge. Cambridge.
9th,	Cambridge, Ward 3,	Ezra Parmenter, .	Cambridge. .
10th,	{ Newton, . . . } { Brighton, . . . }	Alfred B. Ely, . . Ezra D. Winslow, .	Newton. Newton.
11th,	{ Watertown, . . } { Belmont, . . . }	George W. Ware, Jr.,	Belmont.
12th,	Waltham, . . .	William A. Adams, .	Waltham.
13th,	Natick, . . .	William Nutt, . .	Natick.
14th,	{ Holliston, . . } { Sherborn, . . . }	Peter R. Johnson, .	Holliston.
15th,	{ Hopkinton, . . } { Ashland, . . . }	A. C. Putnam, . .	Hopkinton.
16th,	Framingham, . .	Jonas Kendall, . .	Framingham.
17th,	Marlborough, . .	Edward L. Bigelow, .	Marlborough.
18th,	{ Hudson, . . . } { Stow,* . . . } { Boxborough, . . } { Littleton, . . . }	Benjamin W. Gleason.	Stow.
19th,	{ Acton, . . . } { Sudbury,* . . } { Wayland, . . . }	Horace Heard, . .	Wayland.
20th,	{ Concord, . . . } { Lincoln, . . . } { Weston, . . . }	Charles H. Fiske, .	Weston.

* Town of Maynard incorporated April 19, 1871, embracing portions of the towns of Stow and Sudbury. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

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COUNTY OF MIDDLESEX—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
21st,	{ Lexington, . . . } Bedford, . . . Burlington, . . . Carlisle, . . . }	William M. Ashby, .	Bedford.
22d,	Woburn, . . .	Walter Wyman, .	Woburn.
23d,	{ Stoneham, . . . } Wakefield, . . . Melrose, . . . }	Nelson Cochran, . Amos Hill, .	Melrose. Stoneham.
24th,	{ Reading, . . . } North Reading, . . . Wilmington, . . . }	Wm. J. Wightman, .	Reading.
25th,	{ Chelmsford, . . . } Billerica, . . . Tewksbury, . . . }	Alvin Marshall, .	Tewksbury.
26th,	{ Lowell, Ward 1, . . . } " Ward 2, . . . " Ward 6, . . . }	Jonathan P. Folsom, . George F. Scribner, .	Lowell. Lowell.
27th,	Lowell, Ward 3, .	Wm. H. Loughlin, .	Lowell.
28th,	Lowell, Ward 4, .	Wm. H. Anderson, .	Lowell.
29th,	Lowell, Ward 5, .	Willard A. Brown, .	Lowell.
30th,	{ Dracut, . . . } Tyngsborough, . . . Dunstable, . . . Westford, . . . }	J. Henry Read, .	Westford.
31st,	{ Groton,* . . . } Pepperell, . . . }	E. Dana Bancroft, .	Ayer.
32d,	{ Townsend, . . . } Ashby, . . . Shirley,* . . . }	Alvin Lawton, .	Shirley.

COUNTY OF WORCESTER.

1st,	{ Ashburnham, . . . } Winchendon, . . . }	Albert G. Sinclair, .	Winchendon.
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*Town of Ayer incorporated February 14, 1871, embracing portions of the towns of Groton and Shirley. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

COUNTY OF WORCESTER—Continued.

District.	Town or Ward.	Name of Representative.	Residence.
2d,	{ Royalston, . . . } { Athol, . . . }	George H. Hoyt, .	Athol.
3d,	{ Gardner, . . . } { Templeton, . . . }	William Stone, .	Templeton.
4th,	{ Petersham, . . . } { Dana, . . . } { Phillipston, . . . } { Hubbardston, . . . } { Barre, . . . } { Hardwick, . . . } { New Braintree, . . . }	Lyman Woodward, . Harding Woods, .	Hubbardston. Barre.
5th,	{ Westminster, . . . } { Fitchburg, . . . } { Lunenburg, . . . } { Leominster, . . . }	George E. Towne . John W. Kimball . E. P. Loring, .	Fitchburg. Fitchburg. Fitchburg.
6th,	{ Lancaster, . . . } { Bolton, . . . } { Harvard, . . . }	George A. Parker, .	Lancaster.
7th,	{ Clinton, . . . } { Berlin, . . . } { Northborough, . . . }	Jonas E. Howe, .	Clinton.
8th,	{ Sterling, . . . } { West Boylston, . . . } { Boylston, . . . }	Asa Keyes, . .	Sterling.
9th,	{ Rutland, . . . } { Holden, . . . } { Princeton, . . . } { Oakham, . . . }	Isaac N. Ross, . .	Holden.
10th,	{ Worcester, Ward 1, } { " Ward 2, } { " Ward 3, } { " Ward 8, } { Paxton, . . . }	Lewis Barnard, . . John Gates, . . Burton W. Potter, .	Worcester. Worcester. Worcester.
11th,	{ Worcester, Ward 4, } { " Ward 5, } { " Ward 6, } { " Ward 7, }	John S. Baldwin, . Joseph R. Torrey, . George P. Kendrick, .	Worcester. Worcester. Worcester.
12th,	{ Grafton, . . . } { Shrewsbury, . . . }	George F. Slocomb, .	Grafton.

HOUSE OF REPRESENTATIVES.

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COUNTY OF WORCESTER—Concluded.

District.	Town.	Name of Representative.	Residence.
13th,	{ Westborough, . . } { Southborough, . . }	Francis Fisher, . .	Southborough.
14th,	{ Northbridge, . . } { Upton, . . }	William Knowlton, .	Upton.
15th,	{ Milford, . . . } { Mendon, . . . } { Blackstone, . . } { Uxbridge, . . }	George B. Blake, . William H. Aldrich, . George W. Hobbs, .	Milford. Mendon. Uxbridge.
16th,	{ Douglas, . . . } { Webster, . . . } { Dudley, . . . } { Oxford, . . . } { Sutton, . . . } { Millbury, . . }	Horace I. Joslin, . E. Harris Howland, . Irving B. Sayles, .	Webster. Oxford. Millbury.
17th,	{ Auburn, . . . } { Leicester, . . . } { Spencer, . . . } { Charlton, . . . } { Southbridge, . . }	Luke G. Sturtevant,* William Upham, .	Leicester. Spencer.
18th,	{ Sturbridge, . . } { Brookfield, . . } { North Brookfield, . } { West Brookfield, . } { Warren, . . }	Daniel W. Knight, . Simon H. Sibley, .	No. Brookfield. Warren.

COUNTY OF HAMPSHIRE.

1st,	{ Easthampton, . . } { Huntington, . . } { Northampton, . . } { Southampton, . . } { Westhampton, . . }	William F. Arnold, . Samuel B. Quigley, .	Northampton. Southampton.
2d,	{ Chesterfield, . . } { Cummington, . . } { Goshen, . . . } { Middlefield, . . } { Plainfield, . . . } { Worthington, . . }	Sumner U. Church, .	Middlefield.
3d,	{ Hadley, . . . } { Hatfield, . . . } { Williamsburg, . . }	Thomas M. Carter, .	Williamsburg.

* Mr. Sturtevant resigned his seat February 15th, and Mr. Christopher C. Denny of Leicester was chosen in his place.

HOUSE OF REPRESENTATIVES.

COUNTY OF HAMPSHIRE—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Amherst, . . . } { South Hadley, . . . }	Ira B. Wright, . . .	South Hadley.
5th,	{ Belchertown, . . . } { Granby, . . . } { Pelham, . . . }	C. B. Smith, . . .	Granby.
6th,	{ Enfield, . . . } { Greenwich, . . . } { Prescott, . . . } { Ware, . . . }	John W. Robinson, . . .	Ware.

COUNTY OF HAMPDEN.

1st,	{ Monson, . . . } { Brimfield, . . . } { Holland, . . . } { Wales, . . . }	Rice S. Munn, . . .	Monson.
2d,	{ Palmer, . . . } { Wilbraham, . . . }	Ephraim Allen, . . .	Wilbraham.
3d,	{ Springfield, Ward 1, } { " Ward 2, } { " Ward 3, }	James Parker, . . . John W. Phelps, . . .	Springfield. Springfield.
4th,	{ Springfield, Ward 4, } { " Ward 6, }	W. C. Sturtevant, . . .	Springfield.
5th,	{ Springfield, Ward 5, } { " Ward 7, } { " Ward 8, }	C. C. Merritt, . . .	Springfield.
6th,	{ Holyoke, . . . } { Chicopee, . . . } { Ludlow, . . . }	George Arms,* . . . Reuben Sikes, . . .	Chicopee. Ludlow.
7th,	{ Granville, . . . } { Southwick, . . . } { Agawam, . . . } { West Springfield, . . . } { Longmeadow, . . . }	Ralph Perry, . . . Ansel H. Ward, . . .	Agawam. W. Springfield.
8th,	Westfield, . . .	Lewis R. Norton, . . .	Westfield.
9th,	{ Chester, . . . } { Blandford, . . . } { Montgomery, . . . } { Russell, . . . } { Tolland, . . . }	Timothy Keefe, . . .	Chester.

* Mr. Arms resigned his seat January 23d, and Mr. Roswell P. Crafts of Holyoke was chosen in his place.

HOUSE OF REPRESENTATIVES.

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COUNTY OF FRANKLIN.

District.	Town.	Name of Representative.	Residence.
1st,	{ Warwick, . . . } { Orange, . . . } { New Salem, . . . }	David Eastman, .	New Salem.
2d,	{ Montague, . . . } { Sunderland, . . . } { Leverett, . . . } { Shutesbury, . . . } { Wendell, . . . }	Joseph H. Root, .	Montague.
3d,	{ Greenfield, . . . } { Colrain, . . . } { Leyden, . . . } { Bernardston, . . . } { Gill, . . . } { Northfield, . . . } { Erving, . . . }	Asa A. Holton, . William Keith, .	Northfield. Greenfield.
4th,	{ Deerfield, . . . } { Shelburne, . . . } { Whately, . . . } { Conway, . . . } { Ashfield, . . . } { Hawley, . . . }	Lafayette Anderson, . Seth B. Crafts, .	Shelburne. Whately.
5th,	{ Buckland, . . . } { Charlemont, . . . } { Heath, . . . } { Rowe, . . . } { Monroe, . . . }	Chauncey L. Spear, .	Buckland.

COUNTY OF BERKSHIRE.

1st,	{ Hancock, . . . } { Lanesborough, . . . } { New Ashford, . . . } { Williamstown, . . . }	Edward J. Tower, .	Lanesborough.
2d,	{ Adams, . . . } { Cheshire, . . . } { Clarksburg, . . . } { Florida, . . . } { Savoy, . . . }	Frederick P. Brown, . S. P. Dresser, .	Adams. Savoy.
3d,	{ Dalton, . . . } { Pittsfield, . . . } { Richmond, . . . }	James M. Barker, . William H. Murray, .	Pittsfield. Pittsfield.

HOUSE OF REPRESENTATIVES.

COUNTY OF BERKSHIRE—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
4th,	{ Becket, . . . Hinsdale, . . . Peru, . . . Washington, . . . Windsor, . . . }	Chapin Converse, .	Hinsdale.
5th,	{ Lenox, . . . Stockbridge, . . . West Stockbridge, . }	George O. Peck, .	Lenox.
6th,	{ Lee, . . . Monterey, . . . Otis, . . . Tyringham, . . . }	Charles E. Slater, .	Tyringham.
7th,	{ Alford, . . . Egremont, . . . Great Barrington, . . . Mount Washington, . }	Frederick T. Whiting,	Gt. Barrington.
8th,	{ New Marlborough, . . . Sandisfield, . . . Sheffield, . . . }	Milton Abbey, . .	Sandisfield.

COUNTY OF NORFOLK.

1st,	Dedham,*† . .	Augustus B. Endicott,	Dedham.
2d,	West Roxbury, .	Robert Seaver, . .	West Roxbury.
3d,	{ Roxbury,† Ward 2, . . " Ward 3, . . " Ward 4, . . " Ward 5, . . }	Albert Palmer, . . . George Bartholmesz, Brownell Granger, .	Boston. Boston. Boston.
4th,	Roxbury, Ward 1, .	Charles Stanwood, .	Boston.
5th,	Dorchester,* . . . {	Laban Pratt, . . . Henry S. Adams, .	Boston. Hyde Park.
6th,	Quincy, . . .	Henry H. Faxon, .	Quincy.

* Town of Hyde Park incorporated April 22, 1868, embracing portions of Districts 1, 5 and 11; Dorchester annexed to Boston in 1869. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

† Annexed to Boston in 1867. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

‡ Town of Norwood incorporated February 23, 1872, embracing portions of Dedham and Walpole. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

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COUNTY OF NORFOLK—Concluded.

District.	Town.	Name of Representative.	Residence.
7th,	Braintree, . .	Benjamin L. Morrison	Braintree.
8th,	Weymouth, . . {	Noah B. Thayer, . . Charles Q. Tirrell, . .	Weymouth. Weymouth.
9th,	Randolph,* . .	Ludovicus F. Wild, . .	Randolph.
10th,	Stoughton, . .	Henry Jones, . .	Stoughton.
11th,	{ Canton, . . : Milton,† . . : Walpole,‡ . . : Sharon, . . : }	David W. Tucker, . . James S. Shepard, . .	Milton. Canton.
12th,	{ Foxborough, . . : Wrentham,† . . : Medway,‡ . . : }	William H. Thomas, . . George Sheldon, . .	Foxborough. Wrentham.
13th,	{ Franklin,‡ . . : Bellingham, . . : }	Seneca Burr, . .	Bellingham.
14th,	{ Needham, . . : Medfield, . . : Dover, . . : }	John M. Harris, . .	Needham.
15th,	Brookline, . .	Austin W. Benton, . .	Brookline.

COUNTY OF BRISTOL.

1st,	Attleborough, . .	Obed C. Turner, . .	Attleborough.
2d,	{ Mansfield, . . : Norton, . . : }	John H. Rogerson, . .	Norton.
3d,	{ Easton, . . : Raynham, . . : }	George H. Bates, . .	Easton.
4th,	Taunton, . . {	John E. Sanford, . . John H. Church, . . William R. Black, . .	Taunton. Taunton. Taunton.

* Town of Holbrook incorporated February 29, 1872, embracing a portion of the town of Randolph. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

† Town of Hyde Park incorporated April 22, 1868, embracing portions of Districts 1, 5 and 11.

‡ Town of Norfolk incorporated February 23, 1870, embracing portions of Wrentham, Franklin, Medway and Walpole. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

HOUSE OF REPRESENTATIVES.

COUNTY OF BRISTOL—Concluded.

District.	Town or Ward.	Name of Representative.	Residence.
5th,	{ Seekonk, . . . } Rehoboth, . . . } Dighton, . . . } Berkley, . . . }	William Babbitt, .	Berkley.
6th,	{ Somerset, . . . } Swanzey, . . . } Freetown, . . . }	Job Gardner, Jr., .	Swanzey.
7th,	Fall River, . . . }	George O. Fairbanks, . George H. Eddy, . Thomas F. Holder, .	Fall River. Fall River. Fall River.
8th,	Westport, . . .	Giles E. Brownell, .	Westport.
9th,	Dartmouth, . . .	Benjamin F. Wing, .	Dartmouth.
10th,	{ New Bedford, Wards } 1, 2 and 3, . . . }	Joseph H. Cornell, . Ellis Perry, . . .	New Bedford. New Bedford.
11th,	{ New Bedford, Wards } 4, 5 and 6, . . . }	Isaac D. Hall, . . . Thomas B. Tripp, . .	New Bedford. New Bedford.
12th,	{ Fairhaven, . . . } Acushnet, . . . }	William H. Whitfield,	Fairhaven.

COUNTY OF PLYMOUTH.

1st,	{ Cohasset, . . . } Scituate, . . . }	Moses R. Colman,* .	Scituate.
2d,	{ Hingham, . . . } Hull, . . . }	Hawkes Fearing, .	Hingham.
3d,	{ South Scituate, . . . } Hanover, . . . } Hanson, . . . }	Thomas B. Waterman,	South Scituate.
4th,	{ Marshfield, . . . } Pembroke, . . . } Halifax, . . . }	John T. Z. Thompson,	Halifax.
5th,	{ Duxbury, . . . } Kingston, . . . }	Josiah Peterson, .	Duxbury.

* Mr. Colman's death was announced in the House, March 5. His place was not filled.

HOUSE OF REPRESENTATIVES.

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COUNTY OF PLYMOUTH—Concluded.

District.	Town.	Name of Representative.	Residence.
6th,	{ Plymouth, . . } { Carver, . . } { Plympton, . . }	Tisdale S. White, . William Perkins, .	Plymouth. Plympton.
7th,	{ Wareham, . . } { Marion, . . }	Alden Besse, . .	Wareham.
8th,	{ Mattapoisett, . . } { Rochester, . . } { Lakeville, . . }	Geo. W. Humphrey, .	Rochester.
9th,	Middleborough, .	Noah C. Perkins, .	Middleborough.
10th,	{ Bridgewater, . . } { West Bridgewater, . }	Southworth Harlow, .	Bridgewater.
11th,	{ East Bridgewater, . } { North Bridgewater, . }	William H. Osborne, . E. Loring Thayer, .	E. Bridgewater. N. Bridgewater.
12th,	Abington, . . {	Franklin P. Harlow, . Albert F. Kelley, .	Abington. Abington.

COUNTY OF BARNSTABLE.

1st,	{ Barnstable,* . . } { Sandwich, . . } { Falmouth, . . } { Yarmouth, . . }	John B. D. Cogswell, . Ezra C. Howard, . Nathaniel Sears, .	Yarmouth. Sandwich. Barnstable.
2d,	{ Dennis, . . } { Harwich, . . } { Brewster, . . }	Erastus Chase, . . Zoeth Snow, Jr., .	Harwich. Brewster.
3d,	{ Chatham, . . } { Orleans, . . }	Lot Higgins, . .	Orleans.
4th,	{ Eastham, . . } { Wellfleet, . . } { Truro, . . } { Provincetown, . . }	Jesse S. Pendergrast, . Reuben G. Sparks, .	Truro. Provincetown.

* Town of Mashpee incorporated May 28, 1870, embracing the territory in Barnstable County known as the district of Marshpee. Suffrage rights unchanged, except for municipal purposes until new apportionment.

HOUSE OF REPRESENTATIVES.

DUKES COUNTY.

District.	Town.	Name of Representative.	Residence.
One.	{ Edgartown, . . . } Tisbury, . . . Chilmark,* . . . Gosnold, . . . }	Nath'l M. Jernegan, .	Edgartown.

COUNTY OF NANTUCKET.

One.	Nantucket, . .	Robert F. Gardner, .	Nantucket.
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WILLIAM S. ROBINSON, *Clerk.*

JOHN MORISSEY, *Sergeant-at-Arms.*
W. H. CUDWORTH, *Chaplain.*

*Town of Gay Head incorporated April 30, 1870, embracing the territory in Dukes County known as the district of Gay Head. Suffrage rights unchanged, except for municipal purposes, until new apportionment.

JUDICIAL DEPARTMENT.

SUPREME JUDICIAL COURT.

CHIEF JUSTICE.

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ASSOCIATE JUSTICES.

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JOHN WELLS, *of Brookline.*

JAMES D. COLT, *of Pittsfield.*

SETH AMES, *of Brookline.*

MARCUS MORTON, *of Andover.*

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CHIEF JUSTICE.

LINCOLN F. BRIGHAM, *of Salem.*

ASSOCIATE JUSTICES.

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OTIS P. LORD, *of Salem.*

EZRA WILKINSON, *of Dedham.*

JOHN P. PUTNAM, *of Boston.*

CHARLES DEVENS, JR., *of Worcester.*

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GEORGE WHITE, Needham,	NORFOLK.
WILLIAM H. WOOD, Middleborough,	PLYMOUTH.
EDMUND H. BENNETT, Taunton,	BRISTOL.
JOSEPH M. DAY, Barnstable,	BARNSTABLE.
JOSEPH T. PEASE, Edgartown,	DUKES.
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SAMUEL B. SPOONER, Springfield,	HAMPDEN.
FRANCIS M. THOMPSON, Greenfield,	FRANKLIN.
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WILLIAM E. FULLER, Taunton,	BRISTOL.
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SAMUEL SWAIN, Nantucket,	NANTUCKET.

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EDGAR J. SHERMAN, Lawrence,	EASTERN.
ASA FRENCH, Braintree,	SOUTH-EASTERN.
GEORGE MARSTON, New Bedford,	SOUTHERN.
WILLIAM W. RICE, Worcester,	MIDDLE.
GEORGE M. STEARNS, Chicopee,	WESTERN.
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JAMES BATES, Plymouth,	PLYMOUTH.
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HOWES NORRIS, Edgartown,	DUKES.
JOSEPH McCLEAVE, Nantucket,	NANTUCKET.

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J. A. WILLARD, Boston, Superior Ct., Civil T.,	
HENRY HOMER, Boston, Criminal T.,	} SUFFOLK.
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SENATORS.

CHARLES SUMNER, *of Boston.*HENRY WILSON, *of Natick.*

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DISTRICT I.—JAMES BUFFINTON, *of Fall River.*II.—OAKES AMES, *of Easton.*III.—GINERY TWICHELL, *of Brookline.*IV.—SAMUEL HOOPER, *of Boston.*V.—BENJAMIN F. BUTLER, *of Gloucester.*VI.—NATHANIEL P. BANKS, *of Waltham.*VII.—GEORGE M. BROOKS,* *of Concord.*VIII.—GEORGE F. HOAR, *of Worcester.*IX.—ALVAH CROCKER, *of Fitchburg.*X.—HENRY L. DAWES, *of Pittsfield.*

* Resigned May 18; vacancy not filled.

Commonwealth of Massachusetts.

SECRETARY'S DEPARTMENT, BOSTON, }
June 24, 1872. }

I hereby certify the printed Acts and Resolves contained in this volume to be true copies of the originals, and that the accompanying papers and other matters herewith are transcripts of official records and returns in this Department.

OLIVER WARNER,
Secretary of the Commonwealth.

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